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NEW DELHI, SATURDAY, NOVEMBER 26, 1983/AGRAHAYANA 5, 1905

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 9 मई, 1983

आय-कर

का० आ० 4302.—सर्वसाधारण की जानकारी के लिए एतददरारा यह अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान एवं प्रौद्योगिकी विभाग, नई दिल्ली ने निम्नलिखित संस्थाको, आयकर नियम 1862 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के प्रयोजनों के लिए अन्य प्राकृतिक एवं अनुप्रयुक्त विज्ञानों के क्षेत्र में "संगम" प्रवर्ग के अंतर्गत निम्नलिखित भूतों के अधीन रहते हुए अनुमोदित किया है—

1. यह कि श्री सत्य कांत इस्टीट्यूट ऑफ हायर लर्निंग, अनन्तपुर वैज्ञानिक अनुसंधान के लिए उसे प्राप्त राशियों का पृथक लेखा रखेगा।
2. यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के लिये प्रति वर्ष 30 अप्रैल, तक पैसे फार्मों में प्रस्तुत करेगी जो इस प्रयोजन के लिए निर्धारित किये जा सकते हैं और उसे सूचित किए जायेंगे।
3. यह कि उक्त संस्थान अपने आयिक लेखाओं की एक लेखा-परीक्षित प्रति जितमें उसकी कुल आय और व्यय विद्याया

गया हो तथा परिसंपत्तियों और दैनदारियों को दर्शाने वाले तुलन-पत्र को प्रति विहित प्राधिकारी को प्रति वर्ष 30 जून तक भेजेगा और अन्य दस्तावेजों की एक-एक प्रतिलिपि संरक्षित आय-कर आयकृत को भेजेगा।

संस्था

श्री सत्य कांत इस्टीट्यूट ऑफ हायर लर्निंग, प्रशान्ति निलायम, पौ. आ० अनन्तपुर जिला आन्ध्र प्रदेश

यह अधिसूचना 28-4-83 से 27-4-86 तक तीन वर्ष की अवधि के लिए प्रभावी रहेगी।

[सं. 5166 (का० सं. 203, 16, 83-आ क० नि०-II)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 9th May, 1983

INCOME TAX

S.O. 4302.—It is hereby notified for general information that the institution mentioned below has been approved by Department of Science and Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act,

1961 read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions :—

- (i) That Shri Sathya Sai Institute of Higher Learning, Anantpur will maintain a separate account of the sum received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheet showing its assets and liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax.

INSTITUTION

Sri Sathya Sai Institute of Higher Learning, Prasanthi Nilayam, P.O., Anantpur Distt., A.P.

This notification is effective for a period of three years from 28-4-83 to 27-4-86.

[No. 5166(F. No. 203/16/83-ITA.II)]

नई दिल्ली, 2 नवम्बर, 1983

आयकर

का०बा० 4303.—सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि नीचे लिखी संस्था/संगम तथा उसके नीचे वियंग गए कार्यक्रम को, आयकर नियम 1962 के नियम 6 के अन्तर्गत विहित प्राधिकारी अर्थात् सचिव, पर्यावरण विभाग, भारत सरकार, नई दिल्ली ने आयकर अधिनियम, 1961 की धारा 35 गग्न के प्रयोजन के लिए अनुमोदित किया है :

संस्था का नाम

लोसाइटी फार प्रोमोशन आफ वेस्टलैंड डिवेलपमेंट, नई दिल्ली।

कार्यक्रम

- (1) गुजरात के सौराष्ट्र क्षेत्र में लवणीय भूमि का आर्थिक विकास;
- (2) उथली लाल मिट्टी के क्षेत्र (वर्धिणी भारत) की आर्थिक विकास परियोजना;
- (3) छोटा नागपुर तथा संथाल परगना में आर्थिक विकास;
- (4) ऊसर भूमि की आर्थिक विकास परियोजना (उ०प्र०);
- (5) विश्व पहाड़ी संसाधन क्षेत्र—आर्थिक विकास;
- (6) अरावली पर आर्थिक विकास परियोजना;
- (7) शिवालिक आर्थिक पड़ति।

विहित प्राधिकारी द्वारा दिये गए दोनों अनुमोदन, अर्थात् (i) उपधारा (2) के अन्तर्गत संस्था को तथा (ii) धारा 35 गग्न की उपधारा (1) के अधीन कार्यक्रम को, 1-1-83 से तीन वर्ष की अवधि के लिए निम्नलिखित शर्तों पर वैध है :—

- (i) यह कि दिसोसाइटी फार प्रोमोशन आफ वेस्टलैंड डिवेलपमेंट, संरक्षण संबंधी क्रियाकलापों के लिए उसके द्वारा प्राप्त दान की राशियों का पृथक लेखा रखेगी।

(ii) यह कि उक्त सोसाइटी संरक्षण संबंधी कार्यक्रमों को प्रगति रिपोर्ट, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 30 जून तक भेजेगी।

(iii) यह कि उक्त सोसाइटी अपनी कुल परिसंपत्तियां तथा देनदारियों दर्शाते हुए संपरेक्षित कार्यक्रम लेखों को एक प्रति, प्रतिवर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगी तथा इन दस्तावेजों में से प्रत्येक वही एक प्रति संबंधित आधकर आयकर को भेजेगी।

(iv) अनुमोदन विहित प्राधिकारी को सतत संुचित पर आधारित है और यदि वह आवश्यक समझे तो पीछे की तारीख से अनुमोदन वापिस ले सकता है।

[सं० 5440(फा०सं० 203/244/82-आ०क०नि०-II)]

New Delhi, the 2nd November, 1983

INCOME TAX

S.O. 4303.—It is hereby notified for the general information that the institution/association mentioned below and its programme given hereunder has been approved by the Secretary, Department of Environment, Government of India, New Delhi, being the Prescribed Authority under rule 6AAC of Income-tax Rules, 1962 for the purpose of section 35CCB of the Income-tax Act, 1961 :

Name of the Institution

Society for promotion of Wasteland Development, New Delhi.

Programme

- (1) Eco Development of Saline Lands—Saurashtra Region of Gujarat.
- (2) Eco Development Project of Shallow Red Soil Region (South India).
- (3) Chotanagpur and Santhal Parganas—Eco Development.
- (4) Usar Lands Eco Development Project (U.P.).
- (5) Vindhyan Hilly Resource Region—Eco Development.
- (6) Eco Development Project at Aravallis.
- (7) Siwalik Eco System.

Both the approvals accorded by the prescribed authority namely (i) to the institution under sub-section (2) and (ii) to the programme under sub-section (1) of Section 35CCB are valid for a period of three years commencing from 1-1-1983 subject to the following conditions :

- (i) The society for promotion of Wastelands Development shall maintain a separate account of contributions received by it for conservation activities.
- (ii) The society shall furnish progress reports of the conservation programmes to the Prescribed Authority for every financial year by the 30th June each year.
- (iii) The society shall submit to the Prescribed Authority by the 30th June each year a copy of the audited annual accounts showing total income and liabilities and a copy of each of these documents sent the concerned Commissioner of Income-tax.
- (iv) The approval is subject to the continued satisfaction of the Prescribed Authority and may be withdrawn with retrospective effect, if considered necessary.

[No. 5440 (F. No. 203/244/82-IIITA. II)]

नई दिल्ली, 10 नवम्बर, 1983

आयकर

का०आ० 4304—सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि आयकर अधिनियम 1961 की धारा 35 (1) (ii) के अन्तर्गत टाटा ऊर्जा अनुसंधान, नई दिल्ली को अनुमति प्रदान करने के संबंध में ।। मंत्रालय (राजन्व तथा बोमा विभाग) द्वारा जारी की गई दिनांक 19-6-1974 की अधिसूचना सं० 648 (फा०सं० 203/47/74-आ०क०नि०-II) को वैद्यता अवधि एतद्वारा 31-3-1984 तक सीमित कर दी गयी है।

[सं० 5459 (फा० सं० 203/157/83-आ०क०नि०-II)]

एम० जी०सी० गोयल, अवर सचिव

New Delhi, the 10th November, 1983

INCOME-TAX

S.O. 4304.—It is hereby notified for general information that the validity of Notification No. 648 (F. No. 203/47/74-ITA II) dated 19-6-1974 issued by the Ministry of Finance (Department of Revenue and Insurance) granting approval to the Tata Energy Research Institute, New Delhi under section 35(1)(ii) of the Income-tax Act, 1961, is hereby restricted upto 31-3-1984.

[No. 5459 (F. No. 203/157/83-ITA. I)]

M. G. C. Goyal, Under Secy.

नई दिल्ली, 7 नवम्बर, 1983

आयकर

का० आ० 4305.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप खण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की दिनांक 8-4-1983 की अधिसूचना सं० 5153 (फा० सं० 398/1/83 आ० क० ब०) का अधिलंबन करते हुए केन्द्रीय सरकार एतद्वारा श्री० र० बा० शा० का०, जो केन्द्रीय सरकार के राजपत्रिव अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री० र० बा० शा० द्वारा कर वसूली अधिकारी के रूप में कार्यभार प्रदूष किए जाने को तारीख से लागू होगी।

[सं० 5450 (फा० सं० 398/1/83 आ० क० ब०)]

New Delhi, the 7th November, 1983

INCOME TAX

S.O. 4305.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 5153 (F. No. 398/1/83-IT-B) dated 8th April, 1983, the Central Government hereby authorises Shri R. O. Shah being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification shall come into force with effect from the date of Shri R. O. Shah takes over charge as Tax Recovery Officer.

[No. 5450 (F. No. 398/1/83-ITB)]

आयकर

का०आ० 4306—आयकर अधिनियम, 1961 (1961 का 43), की धारा 2 के खण्ड (44) के उप खण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की विनाक 26-6-1981 की अधिसूचना सं० 4048 (फा० सं० 398/17/80 आ० क० सं० क०) का अधिलंबन करते हुए केन्द्रीय सरकार एतद्वारा श्रीमती य० ए० चन्द्राना को, जो केन्द्रीय सरकार के राजपत्रिव अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्रीमती य० ए० चन्द्राना द्वारा कर वसूली अधिकारी के रूप में कार्यभार प्रदूष किए जाने को तारीख से लागू होगा।

[सं० 5452 (फा० सं० 398/1/83 आ० क० ब०)]

INCOME TAX

S.O. 4306.—In pursuance of sub-clause (iii) of clause (44) of section 2 of the Income tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 4048 (F. No. 398/17/80-ITCC) dated 26th June 1981, the Central Government hereby authorises Smt. U. A. Chandarana being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification shall come into force with effect from the date of Smt. U. A. Chandarana takes over charge as Tax Recovery Officer.

[No. 5452(F. No. 398/1/83-ITB)]

आयकर

का० आ० 4307.—आयकर अधिनियम 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उप खण्ड (iii) के अनुसरण में और भारत सरकार के राजस्व विभाग की विनाक 8-4-1983 की अधिसूचना सं० 5065 (फा० सं० 398/1/83 आ० क० ब०) का अधिलंबन करते हुए केन्द्रीय सरकार एतद्वारा श्री० ए० चुंद्रीगर को, जो केन्द्रीय सरकार के राजपत्रिव अधिकारी है, उक्त अधिनियम के अन्तर्गत कर वसूली अधिकारी की शक्तियों का प्रयोग करने के लिए प्राधिकृत करती है।

2. यह अधिसूचना श्री० ए० चुंद्रीगर द्वारा कर वसूली अधिकारी के रूप में कार्यभार प्रदूष किए जाने को तारीख से लागू होगी।

[सं० 5454 (फा० सं० 398/1/83-आ० क० ब०)]

बा० ई० अलेनजेन्ट, अवर सचिव

INCOME TAX

S.O. 4307.—In pursuance of sub-clause (ii) of clause (44) of section 2 of the Income-tax Act, 1961 (43 of 1961) and in supersession of Notification of the Government of India in the Department of Revenue No. 5065 (F. No. 398/1/83-IT (B), dated 28th January, 1983 the Central Government hereby authorises Shri M. A. Chundrigar being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This notification shall come into force with effect from the date Shri M. A. Chundrigar takes over charge as Tax Recovery Officer.

[No. 5454 (F. No. 398/1/83-ITB)]

B. E. ALEXANDER, Under Secy.

आर्थिक कार्य विभाग

नई दिल्ली, 5 नवम्बर 1983

का०आ० 4308.—इस विभाग की दिनांक 16 जूलाई, 1983 की अधिसूचना संख्या एस०आ० 509 (ई) के पैरा 4 में आर्थिक संशोधन करते हुए सोक वित्त संस्थानों द्वारा सहायता प्राप्त कर्मसिंहों में किए गए निवेशों से संबंधित विभिन्न पहलूओं का परिवर्तन करने के लिए स्थापित की गई उच्चस्तरीय समिति द्वारा अपनी रिपोर्ट देश किए जाने की निर्धारित तारीख को 31 विसम्बर, 1983 तक और आगे बढ़ा दिया गया है।

[एस० 3 (32) सी० सी० आई० (ii)/83]

वी० कौ० कौल, वित्त सचिव

Department of Economic Affairs
New Delhi, the 5th November, 1983

S.O. 4308.—In partial modification of para 4 of this Department's Notification No. S.O. 509(E) dated the 16th July, 1983, the target date for submission of the report by the High Level Committee set up to look into various aspects related with investments made by public financial institutions in the assisted companies, is extended upto 31st December, 1983.

[S. 3 (32)-CCI(II)/83]
P. K. KAUL, Finance Secy.

(बैंकिंग प्रभाग)

नई दिल्ली, 31 अक्टूबर, 1983

का०आ० 4309.—प्रैवेंशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री दिनकर राव को प्रधान बैंक, मुरादाबाद का अध्यक्ष नियुक्त करती है तथा 1-9-1983 से प्रारम्भ होकर 31-12-1983 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री दिनकर राव अध्यक्ष के रूप में कार्य करेंगे।

[सं०एफ० 2-6/82-मा० आ० वी०]
एस० एस० हसुरकर, उप सचिव

(Banking Division)

New Delhi, the 31st October, 1983

S.O. 4309.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Bank Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Dinkar Rao as the Chairman of the Prathma Bank, Moradabad and specifies the period commencing on the 1-9-1983 and ending with 31-12-83 as the period for which the said Shri Dinkar Rao shall hold office as such Chairman.

[No. F. 2-5/82-RRBI
S. S. HASURKAR, Dy. Secy.

नई दिल्ली, 3 नवम्बर, 1983

का०आ० 4310.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (i) के खंड (ग) के उपखंड (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री एम० के० घटनागर, सचिव, औद्योगिक विकास विभाग, उद्योग मंत्रालय नयी दिल्ली को श्री एस० एम० धोप के स्थान पर भारतीय औद्योगिक विकास बैंक का निदेशक नामित करती है।

[सं० एफ० 9 / 34 / 83-वी० ओ० - 1 (2)]

New Delhi, the 3rd November, 1983

S.O. 4310.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri S. K. Bhattacharjee, Secretary Department of Industrial Development, Ministry of Industry, New Delhi as the Director of the Industrial Development Bank of India vice Shri S. M. Ghosh.

[No. F. 9/34/83-BO. 1/(2)]

का०आ० 4311.—भारतीय निर्यात आयात बैंक अधिनियम 1981 (1981 का 28) की धारा 6 की उपधारा (i) के खंड (इ) के उपखंड (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री एम० के० घटनागर, सचिव, औद्योगिक विकास विभाग, उद्योग मंत्रालय, नयी दिल्ली को श्री एस० एम० धोप के स्थान पर भारतीय निर्यात आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या 9 / 34/83-वी० ओ० I (1)]

S.O. 4311.—In pursuance of sub-rule (1) of clause (e) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri S. K. Bhattacharjee, Secretary, Department of Industrial Development, Ministry of Industry, New Delhi as a Director of the Board of Directors of the Export-Import Bank of India vice Shri S. M. Ghosh.

[No. F. 4312/9/34/83-BO. 1(1)]

नई दिल्ली 5 नवम्बर, 1983

का०आ० 4312.—भारतीय निर्यात आयात बैंक अधिनियम 1981 (1982 का 28) की धारा 6 की उपधारा (i) के खंड (ए) के उपखंड (2) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री सी० आर० सेन गृह्णा, अध्यक्ष तथा प्रबन्ध निदेशक यूनाइटेड बैंक आफ इंडिया, कलकत्ता को श्री बी० के० चटर्जी के स्थान पर 5 नवम्बर, 1983 से भारतीय निर्यात आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या 9/22/83-वी० ओ०-1]

S.O. 4312.—In pursuance of sub-clause (ii) of clause (c) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri C. R. Sen Gupta, Chairman and Managing Director, United Bank of India, Calcutta as a Director of the Board of Directors of the Export-Import Bank of India with effect from 5th November, 1983 vice Shri B. K. Chatterjee.

[No. F. 9/22/83-BO. II

नई दिल्ली, 8 नवम्बर, 1983

का०आ० 4313.—निक्षेप बीमा और प्रत्यय गारंटी निगम अधिनियम, 1961 (1961 का 47) की धारा 6 की उपधारा (1) के खंड (घ) के उपबंधों के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के परामर्श एतद्वारा बंबई के सनदी लेखाकार श्री एस० वी० घटालिया को 12 नवम्बर, 1983 से प्रारम्भ होने वाली दो वर्ष की और अवधि के लिए निक्षेप बीमा और प्रत्यय गारंटी निगम के निदेशक के रूप में पुनर्नामित करती है।

[सं० एफ० 6 / 5/83-वी० ओ०-1]

New Delhi, the 8th November, 1983

S.O. 4313.—In pursuance of the provisions of clause (d) of sub-section (1) of section 6 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), the Central Government, after consultation with the Reserve Bank of India, hereby re-nominates Shri S. V. Ghatalia, Chartered Accountant, Bombay as a director of the Deposit Insurance and Credit Guarantee Corporation for a further period of two years with effect from 12th November, 1983.

[No. F. 6/5/83-BO.I]

का० आ० 4314.—बैंककारी कम्पनियाँ (उपक्रमों का अंजन और अंतरण) अधिनियम, 1980 (1980 का 40) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा विनिर्दिष्ट करती है कि कारपोरेशन बैंक का प्रधान कार्यालय अब से मंगलौर (कर्नाटक) में होगा।

[सं० एफ० 12/21/83-बी०ओ०-I]

S.O. 4314.—In exercise of the powers conferred by sub-section (1) of section 7 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) the Central Government hereby specifies that with immediate effect, the head office of the Corporation Bank shall be at Mangalore (Karnataka).

[No. F. 12/21/83-BO. I]

का० आ० 4315—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (ii) के उपखण्ड (ii) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री बी० रत्नाकर अध्यक्ष तथा प्रबंध निदेशक केनरा बैंक, बंगलौर को श्री आर० रघुपति के स्थान पर भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या 9/22/83-बी०ओ०-1]

S.O. 4315.—In pursuance of sub-clause (ii) of clause (c) of sub-section (1) of section 6 of the Export Import Bank of India, Act, 1981 (28 of 1981), the Central Government hereby nominates Shri B. Ratnakar, Chairman and Managing Director, Canara Bank, Bangalore as a Director of the Board of Directors of the Export-Import Bank of India vice Shri R. Raghupathy.

[No. F. 9/22/83-BO. I]

का० आ० 4316.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उप-बन्ध) योजना, 1980 के खण्ड 3 के उपखण्ड (7) के अनुसरण में, भारत सरकार श्री के० सी० शर्मा के स्थान पर श्री के० के० सक्सेना, महा प्रबंधक निक्षेप बीमा तथा प्रब्याय गारंटी मिशन, न्यू इंडिया सेन्टर, 17 कूपरेजरोड, बम्बई का एतद्वारा विजया बैंक के निदेशक के रूप में नियुक्त करती है।

[संख्या एफ० 9(5)/83-बी०ओ०-1]

S.O. 4316.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Bank (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby appoints Shri K. K. Saksena, General Manager, Deposit

Insurance and Credit Guarantee Corporation, New India Centre, 17, Cooperage Road, Bombay as a Director of the Vijaya Bank vice Shri K. C. Sharma.

[No. F. 9/5/83-BO.I]

नई दिल्ली, 9 नवम्बर, 1983

का०आ० 4317.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से ५ रामर्श करने के पश्चात् ९ नवम्बर, 1983 से आरम्भ होने वाली तथा ८ दिसंबर 1984 को समाप्त होने वाली अवधि के लिए एतद्वारा श्री एच० सी० नकरा को पंजाब नेशनल बैंक के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं० एफ० 9/23/83-बी० ओ०-1]

New Delhi, the 9th November, 1983

S.O. 4317.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (i) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri H. C. Nakra, as a whole time Director (designated as the Executive Director) of the Punjab National Bank for the period commencing on November 9, 1983 and ending with December 8, 1984.

[No. F. 9/23/83-BO. I]

नई दिल्ली, 11 नवम्बर, 1983

का० आ० 4318.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उपधारा (1) के खण्ड (3) के उपखण्ड (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री पी० के० कौल, वित्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग नई दिल्ली को श्री आर० के० कौल के स्थान पर भारतीय निर्यात-आयात बैंक के निदेशक मण्डल में निदेशक के रूप में मनोनीत करती है।

[संख्या 9/36/83-बी० ओ०-1]

New Delhi, the 11th November, 1983

S.O. 4318.—In pursuance of sub-clause (i) of clause (c) of sub-section (1) of section 6 of Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates Shri P. K. Kaul, Finance Secretary, Ministry of Finance, Department of Economic Affairs, New Delhi as a Director of the Board of Directors of the Export-Import Bank of India vice Shri R. K. Kaul.

[No. F. 9/36/83-BO. I]

का०आ० 4319.—औद्योगिक वित्त नियम अधिनियम, 1948 (1948 का 15) की धारा 10 की उपधारा (1) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नवी दिल्ली में अपर सचिव श्री बी० के० दर को श्री आर० के० कौल के स्थान पर भारतीय औद्योगिक वित्त नियम के निदेशक के रूप में नामित करती है।

[संख्या एफ० 9/35/83-बी० ओ०-1(3)]

S.O. 4319.—In pursuance of clause (b) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby nominates Shri V. K. Dar, Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi as a Director of the Industrial Finance Corporation of India vice Shri R. K. Kaul.

[No. F. 9/35/83-BO. I(3)]

का०आ० 4320—राष्ट्रीयकृत बैंक (प्रबंध और प्रकोर्ण उपबंध) पोजना 1970 के खण्ड 3 के उपबंध (ज) के अनुसार में केन्द्रीय सरकार श्री आर० के० कौल के स्थान पर वित्त मंत्रलय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग), नई दिल्ली के अपर सचिव श्री बी० के० दर को एतद्वारा सैन्दूल बैंक आक इंडिया के निदेशक के रूप में नियुक्त करती है।

[संख्या एफ० 9/०५/८३-बी० ओ०-१ (२)]

S.O. 4320.—In pursuance of sub-clause (b) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri V. K. Dar, Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division) New Delhi as a Director of the Central Bank of India vice Shri R. K. Kaul.

[No. F. 9/35/83-BO. I(2)]

का० आ० 4321—भारतीय स्टेट बैंक अधिनियम 1955 (1955 का 23) की धारा 19 की उपधारा (1) के खण्ड (ड) की शर्तों के अनुसार केन्द्रीय सरकार एतद्वारा वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के अपर सचिव श्री बी० के० दर को श्री आर० के० कौल के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय मण्डल (बोर्ड) में निदेशक नामित करती है।

[संख्या एफ० ९/३५/८३-बी० ओ०-१ (१)]

च० वा० मीरचन्दनी, उप सचिव

S.O. 4321.—In terms of clause (c) of sub-section (1) of section 9 of the State Bank of India Act, 1955 (23 of 1955), the Central Government hereby nominates Shri V. K. Dar, Additional Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi to be the Director of the Central Board of the State Bank of India vice Shri R. K. Kaul.

[No. F. 9/35/83-BO. I(1)]

C. W. MIRCHANDANI, Dy. Secy.

केन्द्रीय प्रत्यक्ष-कर बोर्ड

नई दिल्ली, 14 नवम्बर, 1983

(आयकर)

का०आ० 4322—बोर्ड की दिनांक 31-1-1983 की अधिसूचना सं० 5085 (फा० सं० 261/23/82-आ० क० न्या० द्वारा तथा संशोधित दिनांक 10-11-1982 की अधिसूचना सं० 4966 (फा० सं० 261/23/82-आ० क० न्या०) में आयुक्त आय-

कर (अपील-I), हैदराबाद के क्षेत्राधिकार के सामने स्तम्भ 2 और 3 में निम्नलिखित को जोड़ा जाएगा :—

स्तम्भ 2

स्तम्भ 3

सर्वेक्षण परिमण्डल, कुर्नूल निरीक्षी सहायक आयकर आयुक्त, सर्वेक्षण रेंज, हैदराबाद, यह अधिसूचना 3-9-1983 से लागू होगी।

[सं० 5445 (फा० सं० 261/23/82-आ० क० न्या०)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 14th November, 1983

INCOME-TAX

S.O. 4322.—In the Board's Notification No. 4966 dated 10-11-1982 (F. No. 261/23/82-ITJ) as modified by Notification No. 5085 dated 31-1-1983 (F. No. 251/23/82-ITJ). In columns 2 & 3 against the jurisdiction of Commissioner of Income-tax (Appeals-I), Hyderabad the following shall be added.

28	Column 2	Column 3
28.	Survey Circle, Kurnool	Inspecting Assistant Commissioner of Income-tax, Survey Range, Hyderabad.

This Notification shall take effect from 1-9-1983.

[No. 5445 (F. No. 261/23/82-ITJ)]

(आयकर)

का० आ० 4323—आय कर अधिनियम, 1961 (1961 का 43) की धारा 122 की उपधारा (1) द्वारा प्रदत्त शक्तियों और इस संबंध में इसे अधिकार देने वाली अन्य सभी शक्तियों का प्रश्ने करते हुए केन्द्रीय प्रत्यक्ष-कर बोर्ड, नई दिल्ली एतद्वारा, दिनांक 9-12-1980 को अधिसूचना सं० 3761 (फा० सं० 261/14/80-आ० क० न्या०) द्वारा यथा संशोधित अपनी दिनांक 30-4-80 की अधिसूचना सं० 3424 (फा० सं० 261/14/80-आ० क० न्या०) में निम्नलिखित संशोधन करने का निर्देश देता है :—

उक्त अधिसूचना की सारणी में, स्तम्भ 2 के नीचे अपीलीय सहायक आयुक्त थाने रेंज, थाने के क्षेत्राधिकार के सामने निम्नलिखित को भद्र सं० 37 के रूप में जोड़ा जाएगा :—

“37 अतिरिक्त ख-बोर्ड, पुणे।”

यह अधिसूचना 15-9-1983 से प्रभावी होगी।

[सं० 5441 (फा० सं० 261/23/83-आ० क० न्या०)]

के० एम० सुलतान, अवर सचिव, केन्द्रीय प्रत्यक्ष कर बोर्ड

INCOME-TAX

S.O. 4323.—In exercise of the powers conferred by sub-section (1) of Section 122 of the Income-tax Act, 1961 (43 of 1961) and all other powers enabling it in this behalf, the Central Board of Direct Taxes hereby directs that the following amendment be made to their Notification No. 3424 (F. No. 261/14/80-ITJ) dated 30-9-80 as modified by notification No. 3761 (F. No. 261/14/80-ITJ) dated 9-12-1980.

In the schedule to the said notification, under column No. 2, against the jurisdiction of the Appellate Assistant Commissioner, Thane Range, Thane, the following shall be added as item No. 37 :

"37. Additional Bward, Pune".

This notification shall take effect from 15-9-1983.

[No. 5441 (F. No. 261/23/83-ITJ]
K. M. SULTAN, Under Secy.
Central Board of Direct Taxes.

समाहतालिय, केन्द्रीय उत्पाद शुल्क, मध्य प्रदेश

अधिसूचना सं. 13/83

हृदौर, 9 नवम्बर, 1983

का० आ० 4324.—अधीक्षक, केन्द्रीय उत्पाद शुल्क, समूह 'ख' के पद पर पदोन्नत होने पर श्री जी० एस० उपाध्ये, निरीक्षक केन्द्रीय उत्पाद शुल्क (च० श्र०) ने अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह 'ख', चांपा के पद पर दिनांक 11-10-1983 के पूर्वान्ह से कार्यभार ग्रहण कर लिया है।

[प० सं० II (3) 2-गौम/83/5238]
एस० के० घर, समाहता

CENTRAL EXCISE COLLECTORATE, M.P.
NO. 10 : INDORE

NOTIFICATION NO. 13/83
Indore, the 9th November, 1983

S.O. 4324.—Consequent upon his promotion as Superintendent, Central Excise, Group 'B', Shri G. S. Upadhyay, Inspector Central Excise (S.G.) has assumed charge as Superintendent, Central Excise, Group 'B', Champa on 11-10-1983 (F.N.).

[C. No. 11(3)9-Con/83/5938]
S. K. DHAR, Collector

भारतीय रिजर्व बैंक
ग्रामीण आयोजना और ऋण विभाग
केन्द्रीय कार्यालय
बंबई, 11 नवम्बर, 1983
गुद्धि पत्र

का० आ० 4325.—दिनांक 15 अक्टूबर, 1983 के भारत के राजपत्र सं० 42 के भाग II-खण्ड 3, उपखण्ड (ii) में का० आ० 3909 के अन्तर्गत प्रकाशित अधिसूचना आर० पी० सी० डी० सं० सी० आर० आर० वी० 347 जी० 83-4 दिनांक 15 जुलाई, 1983 में आई० अशुद्धियों को नीचे बताये गये अनुसार सही कर लिया जाये।

- (1) पंक्ति 4 में शब्द "बको" को ठीक करके "बैको" पढ़ा जाये।
- (2) पंक्ति 6 में शब्द "रिजर्व बक" को ठीक करके "रिजर्व बैंक" पढ़ा जाये।

(3) उप पैरा (iii) की पंक्ति 3 में शब्द "बक" को ठीक करके "बैंक" पढ़ा जाये।

(4) उप पैरा (iii) (पंक्ति 21 से 25) के अन्तर्गत उप मद (क) से (इ) के भीतरी कालमों में तथा उप मद (इ) के बाहरी कालम में नीचे बताये गये अनुसार बिन्दुदार रेखा खींच दी जाये तथा भीतरी कालम के नीचे एक रेखा खींच दी जाये :—

रु० रु०

(क)	21
(ख)	22
(ग)	23
(घ)	24
(ङ)	25

(5) उप पैरा (vi) की बूसरी पंक्ति में शब्द "रख" को ठीक करके "रखें" पढ़ा जाये।

[सं० सीआरआरबी/1260/जी-83-84]
लि० ना० अनन्तराम अध्यर, कार्यकारी निदेशक

RESERVE BANK OF INDIA
RURAL PLANNING & CREDIT DEPARTMENT
CENTRAL OFFICE
Bombay, the 11th November, 1983
CORRIGENDUM

S.O. 4325.—In the Notification RPCD. No. CRRB. 347/G. 83-4 dated 15 July 1983 published under No. S.O. 3909 in Part-II-Section 3-sub-section (ii) of the Gazette of India No. 42 dated 15 October 1983 the following corrections may be carried out :

- (i) In the second line of the first paragraph, the words "Clause (c)" may be read as "Clause (o)".
- (ii) In the second line of sub-paragraph (ii), the words "item (i)" may be read as "item (1)".
- (iii) In the third line of sub-paragraph (ii), the words "Total of item 1)" may be read as "Total of item (1)".

[No. CRRB/1260/G. 83/84]
T. N. ANANTHARAM IYER, Executive Director.

ग्रामीण भवालय
मुख्य नियन्त्रक, नियमित एवं आयात का कायलिय

आदेश

नई दिल्ली, 8 नवम्बर, 1983

का० आ० 4326.—पर्वती दि फर्टीलाईजर कार्पोरेशन आफ इण्डिया लि० (ग्रामीण भवालय) पी० आ० फर्टीलाईजर मिली, करीम नगर जिला (आन्ध्र प्रदेश) को मुख्य आयात लाईसेंस सं० आई०/आई०/2413800 दिनांक 27-6-79 के मद्दे भुज विदेशी मुद्रा विनियम के अन्तर्गत सलग्न सूची के अनुसार अनकोरमीन कानून पूजौ/रामा गूडग फर्टीलाईजर परियोजना को अ.भम करने और नियावन के दौगन आवश्यक मंजूटो के आयात के लिए 5,00,000,- रुपए (पाँच साल साप्त केवल) का एक पृष्ठ आयात लाईसेंस सं० आई०/आई०/2443905 दिनांक 19-9-80 प्रदान किया गया था।

कर्म ने उपर्युक्त लाईसेंस की सीमा शुल्क प्रयोजन प्रति की अनुनियिप्रति जारी करने के लिए हम आधार पर आवेदन किया है ति लाईसेंस की मूल सीमा शुल्क प्रयोजन प्रति जो गई था, अस्थानस्थ हो गई है। आगे यह भी जाया गया है कि लाईसेंस की सीमा शुल्क प्रयोजन प्रति दर्शक के पतन (सीमा शुल्क कार्डलिय) के सीमा शुल्क प्रयोजन प्रति के मूल्य अर्थात् 54,553 रु० का विकृत भी उपयोग नहीं किया गया है।

2. अपने तर्क के नमयन में लाईसेंसप्रार्थी ने नोटरी प्रिलिक, मिन्डनरा-माद के मम्मूल विधिवत् शपथ लेकर स्टाम्प कागज पर एक शपथ पत्र

दर्शिल किया है। तदनुसार मैं संतुष्ट हूँ कि पूरक आयात सार्विसेंस सं० आई०/आई०/2443905 दिनांक 18-9-80 की मूल सीमा शुल्क प्रयोजन प्रति कर्म से स्थो गई या अस्यानस्थ हो गई है। यथासंशोधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की उप धारा 9 (सी सी) के अन्तर्गत प्रदत्त अधिकारी का प्रयोग करते हुए सर्वेश्वी फर्टिलाइजर कार्पोरेशन आफ इण्डिया लि० को जारी की गई उक्त मूल सीमा शुल्क प्रयोजन प्रति सं० आई०/आई०/2443905 दिनांक 18-9-80 एतद्वारा रद्द की जाती है।

3. उक्त लाईसेंस की अनुलिपि सीमा शुल्क प्रयोजन प्रति पार्टी को अलग से जारी की जा रही है।

[सं० सी० जो० II/पी० एण्ड सी०/11/79-80/930]

पाल बेक, उप मुख्य नियंत्रक, आयात-नियंत्रित हुए मुख्य नियंत्रक, आयात-नियंत्रित

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 8th November, 1983

S.O. 4326.—M/s. The Fertilizer Corporation of India Ltd. (Ramagundam Division), P.O. Fertilizer City Karim Nagar, Dist. (A.P.) were granted an Subsidiary Import Licence No. I/I/2443905 dated 18-9-80 for Rs. 5.00,000 (Rupees Five lakhs only) for import of Unforeseen spares/components during execution and commissioning of the Ramagundam Fertilizer Project as per list attached under free foreign exchange against main import licence No. I/I/2443800 dated 27-6-79.

The firm has applied for issue of duplicate copy of Customs purposes copy of the above mentioned licence on the grounds that the original Customs purposes copy of the licence has been lost or misplaced. It has further been stated that the Customs purposes copy of the licence was registered with the Bombay Port (Custom House) Customs Authority and as such the value Rs. 54,553 of Customs purposes copy has been utilised at all.

2. In support of their contention the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Secunderabad. I am accordingly satisfied that the original Customs purposes copy of Subsidiary Import Licence No. I/I/2443905 dated 18-9-80 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import Control Order, 1955 dated 7-12-1955 as amended the said original Customs purposes copy No. I/I/2443905 dated 18-9-80 issued to M/s. Fertilizer Corporation of India Ltd., is hereby cancelled.

3. A duplicate Customs purposes copy of the said licence is being issued to the party separately.

[No. CG II/P&C/11/79-80/930]

PAUL RECK, Dy Chief Controller of Imports and Exports for Chief Controller of Imports and Exports

मर्जा भवानय

(विद्युत विभाग)

नई दिल्ली, 15 जनवरी, 1983

का० आ० 4327.—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नीचे की तालिका के कालम (2) में उल्लिखित अधिकारी को, राष्ट्रीय ताप विद्युत निगम लिमिटेड, एक नियमित निकाय, के अधिकारी होने के कारण तथा भारत सरकार के राजपत्रित अधिकारियों के रैंक के समकक्ष अधिकारी होने के कारण, उपरोक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी होने के लिए नियुक्त करती है, जो उक्त तालिका के कालम (3) में संबंधित प्रविष्टि में

मिदिष्ट सरकारी स्थानों के संबंध में, अपने क्षेत्राधिकार की स्थानीय सीमाओं के अन्दर, उपर्युक्त अधिनियम के द्वारा अधिकारी उसके सम्पदा अधिकारियों को प्रदत्त की गई शक्तियों का उपयोग करेगा तथा उसको सौंपे गए कर्तव्यों का पालन करेगे।

तालिका

क्रम सं०	अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियाँ तथा क्षेत्राधिकार की स्थानीय सीमाएँ
1.	श्री एम. रामाकृष्ण राव विद्युत अधिकारी	ज्योति नगर, जिला करीम नगर, आंध्र प्रदेश में राष्ट्रीय ताप विद्युत निगम की रामागुण्डम सुपर ताप विद्युत परियोजना के स्वामित्व की पट्टे पर सी गई अधिकारी किराए पर सी गई सभी भूमियाँ, क्षार्टरों, सम्पदा, सम्पत्तियाँ और अन्य आवास।

[सं० 5(5)/81-पूएसडीवी I]

के. एन. भट्टनागर, अधर सचिव

MINISTRY OF ENERGY (Department of Power)

New Delhi, the 15th January, 1983

S.O. 4327.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Un-authorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby Appoints the officer mentioned in column (2) of the Table below, being an officer of the National Thermal Power Corporation Limited, a Corporate authority, and being an officer equivalent to the rank of a gazetted officer of the Government of India, to be the estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on an estate officer by or under the said Act within the local limits of his jurisdiction, in respect of the public premises specified in the corresponding entry in column(3)of the said Table.

TABLE

S.No.	Designation of Officer	Categories of Public Premises and local limits of jurisdiction
1.	Shri M. Rama Krishna Rao Law Officer	All lands, quarters, estate, properties and other accommodation owned, leased or rented by Ramagundam Super Thermal Power Project of National Thermal Power Corporation Ltd. in Jyoti Nagar, Distt. Karim Nagar, Andhra Pradesh.

[No. 5(5)/81-USDVI]
K.N. BHATNAGAR, Under Secy.

(पेट्रोलियम विभाग)

नई दिल्ली, 17 सितम्बर, 1983

का० आ० 4328—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम, रसायन और उर्वरक मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 660 तारीख 11-7-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार की पाइपलाईनों को बिछाने के प्रयोजन के लिए अंजित करने का अपना आशय घोषित कर दिया था :

और यतः समक्ष प्रधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है :

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है :

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा ;

अनुसूची

डल्नू० एस० एम० प० से जी०जी० एस० सोभासना		जिला और तालुका—मेहसाणा		
राज्य—गुजरात	गांव	ग्रामक नं०	हेक्टर	एआरई सेमीटीअर
कुकस	317	0	23	30
	318	0	12	30

[सं० O-12016/70/82-प्रोड]

(Department of Petroleum)

New Delhi, the 17th September, 1983

S.O. 4328.—Whereas by notification of the Government of India in the Ministry of Petroleum & Fertilizer, (Department of Petroleum) S. O. 660 dated 11-1-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user

in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE
Pipeline From WSSA to GGS—S.o.b.I.

State : Gujarat District & Taluk : Mehsana

Village	Block No.	Hectare Are	Con-	tiue
Kukas	317	0	23	30
	318	0	12	30

[No. O-12016/70/82-Prod.]

नई दिल्ली, 1 नवम्बर, 1983

का० आ० 4329.—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 2829 तारीख 27-6-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना के संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार पाइपलाईनों को बिछाने के प्रयोजन के लिए अंजित करने का अपना आशय घोषित कर दिया था ;

और यतः समक्ष प्रधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है ;

अब अतः एकल अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है ;

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा ।

अनुसूची

हजिरा से उत्तर तक पाइपलाईन बिछाने के लिए
राज्य : गुजरात जिला : सुरस तालुका : ओलपट

गांव	ग्रामक नं०	हेक्टर एआरई सेमीटीअर
कनड़	71	0 00 70
	70	0 31 56

[सं०ओ० 12016/80/82-प्रोड]

New Delhi, the 1st Nov., 1983

S.O. 4329.—Whereas by notification of the Government of India in the Ministry of Energy (Department of Petroleum) S.O. 2829 dated 27-6-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline From Hajira to Utran

State : Gujarat	District : Surat	Taluka : Olpad	Block No.		
			Village	Hectare	Area Cen- tiare
1	2	3	4	5	
Kanad			71	0 00	70
			70	0 31	56

[No. O-12016/80/83-Prod.]

का. आ० 4330--यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा भवानीय पेट्रोलियम विभाग (अधिसूचना का० आ० सं० 2500 लारीप 21-5-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को विभाने के प्रयोजन के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनदब्ल्यूआर घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिल्डिंग के प्रयोजन के लिए एनदब्ल्यूआर अंजित किया जाना है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बाजाय तेस और प्राकृतिक गैस आयोग में सभी वायराओं में मृक्त रूप में, जोपण के प्रकाशम की इस तारीख को निर्दित होगा।

अनुसूची

विवर गाम से सौ० टी० एक० कलोल नक पाइपलाइन
ग्रज्य :-गुजरात जिला:-मेहसाना तालुका :-कड़ी

गांव	सर्वे नं०	हेक्टेयर	एकार्ड	सेन्टीयर
आगोल	1519/1	0	12	60
	1518/1	0	01	87
	1520/पी	0	31	55
	1520/पी	0	05	33
कार्टट्रैक	0	00	50	
1527/पी	0	10	50	
1526	0	00	40	
1525/1ए	0	19	95	
1524/1	0	07	95	
1524/3	0	10	05	
1574	0	03	75	
1573	0	00	15	
1575	0	04	35	
1572	0	18	60	
1604	0	08	40	
1802	0	12	30	
1596	0	10	05	
1595/2	0	03	00	
1595/1	0	07	50	
1593	0	11	25	
1594	0	00	15	
1592	0	01	25	
1591	0	05	55	
1589	0	09	90	
कार्टट्रैक	0	00	45	
134	0	09	75	
133/2	0	08	30	
131	0	00	20	
132	0	06	50	
127	0	06	00	
125	0	03	37	
126	0	03	38	
123	0	05	10	
120	0	05	55	
119	0	21	90	
150	0	00	15	
151	0	10	95	
153	0	05	40	
154	0	05	55	
155/2	0	03	00	
155/1	0	00	90	
156	0	06	00	
158	0	09	75	
161/3	0	10	50	
162/1	0	11	85	
165/1	0	11	40	
165/2	0	00	15	

[सं० O-12016/41/83-प्र०]

S.O. 4330.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2500 dated 21-5-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Viramgam to CTF Kalol

State : Gujarat		District : Mehsana		Taluka : Kadi	
Village		Survey No.	Hectare	Are	Centi- arc
1	2	3	4	5	
Agol		1519/1	0	12	60
		1518/1	0	01	87
		1520/P	0	31	35
		1520/P	0	05	55
		Cart track	0	00	51
		1527/P	0	10	50
		1526	0	01	40
		1525/1/A	0	19	95
		1524/1	0	07	23
		1524/3	0	10	05
		1574	0	03	75
		1573	0	00	15
		1575	0	04	35
		1572	0	18	60
		1604	0	08	40
		1602	0	12	30
		1596	0	10	05
		1595/2	0	03	00
		1595/1	0	07	50
		1593	0	11	25
		1594	0	00	15
		1592	0	01	25
		1591	0	05	55
		1589	0	09	90
		Cart track	0	00	45
		134	0	09	75
		133/2	0	08	30
		131	0	00	20
		132	0	06	50
		127	0	06	00
		125	0	03	37
		126	0	03	38
		123	0	05	10
		120	0	05	55

1	2	3	4	5
	119	0	21	90
	150	0	00	15
	151	0	10	95
	153	0	05	40
	154	0	05	55
	155/2	0	03	00
	155/1	0	00	90
	156	0	06	00
	158	0	09	75
	161/3	0	10	50
	162/1	0	11	85
	165/1	0	11	40
	165/2	0	00	15

[No. O-12016/41/83-Prod.]

का० आ० 4331.—प०: पेट्रोलियम और अनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की द्वारा 3 को उपधारा (1) के अधीन भारत सरकार के ऊर्जा भवालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 1750 सारोष 3-3-83 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिविष्ट भूमियों के उपयोग के अधिकार को पाइए लाईनों को विभाग ने के प्रयोग के लिए अर्जित करने का अपना आशय घोषित कर दिया।

और यह समझ प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन मरकार को रिपोर्ट दे दी है।

और आगे, यह केन्द्रीय सरकार में उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिश्चित भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रस्तु यात्रियों का प्रयोग करते हुए केस्ट्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिविष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन विभाने के प्रयोगत के लिए एतद्वारा अंजित किया जाता है।

और आगे उस वारा की उम्मीदा (4) वारा प्रदेश शक्तियों का प्रयोग करने द्वारा केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होते के बजाय तेव और प्राकृतिक ऐस आयोग में, नभी वादाओं से मूक्त रूप में, घोषणा के प्रकाशन की इस नारोख को विहित होगा ।

अनुसूची

विरसगम से सी० टी० एफ० कलोन तक ताहा अ० इन विलास के लिए ।

राज्य :—गुजरात जिला :—महेसुना तालुका :—कड़ी

ग्रन्थ	सर्वे नं०	ट्रैक्टेयर	ए.आर.ई	सीन्टीयर
1	2	3	4	5
आद्य अ	1117	0	15	65
	1109	0	04	35
	1108/2	0	05	10
	फार्ट ट्रैक	0	00	90
	1107/2	0	01	95
	1107/1	0	05	00
	1101/पी	0	06	15
	1106	0	06	15
	1102	0	05	20
	1100/1	0	07	35
	1100/2	0	04	05

1	2	3	4	5
1100/3		0	08	40
1099/2		0	00	30
1098/1		0	15	75
1088		0	10	65
1082		0	12	90
1081/1		0	07	50
1061		0	01	50
1062		0	06	00
1063/1		0	04	50
1063/2		0	02	85
1064		0	05	55
1068		0	06	30
1067		0	12	30
કાર્ટ ટ્રેક		0	00	75
880		0	17	40
876		0	07	65
કાર્ટ ટ્રેક		0	00	75
812		0	02	50
811		0	11	90
814/1		0	09	60
815		0	01	20
808		0	10	05
807		0	19	50
કાર્ટ ટ્રેક		0	01	05
614		0	11	25
615		0	11	55
616		0	13	20
610/1		0	10	60
609		0	03	25
617		0	11	50
627/1		0	02	10
604		0	02	80
603		0	03	20
602		0	10	50
634		0	03	90
527		0	15	25
636		0	01	25
526/2		0	03	75
526/1		0	14	40
525/1		0	05	85
525/2		0	05	40
કાર્ટ ટ્રેક		0	01	35
481/1		0	05	85
481/2		0	09	00
482/1/બે		0	01	80
482/2		0	04	35
486/2		0	03	90
486/1		0	00	65
489		0	19	05
417		0	02	50
418		0	23	30
419/2		0	00	30
414		0	00	15
413		0	11	10

S.O. 4331.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S. O. 1570 dated 3-3-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Viramgam to CTF Kalol

State : Gujarat	District : Mehsana	Taluka : Kadi			
		Village	Survey No.	Hectare	Are
		1	2	3	4
	Adaraj		1117	0	13
			1109	0	04
			1108/2	0	05
		Cart track		0	90
			1107/2	0	01
			1107/1	0	05
			1101/P	0	06
			1106	0	06
			1102	0	05
			1100/1	0	07
			1100/2	0	04
			1100/3	0	08
			1099/2	0	00
			1099/1	0	15
			1088	0	10
			1082	0	12
			1081/1	0	07
			1061	0	01
			1062	0	06
			1063/1	0	04
			1063/2	0	02
			1064	0	05
			1068	0	06
			1067	0	12
		Cart track		0	30
			880	0	17
			876	0	07
		Cart track		0	75
			812	0	02
			811	0	11
			814/1	0	09
			815	0	01

1	2	3	4	5	अनुमति
808	0	10	05		हजिरा में उनम तक पाइप लाइन बिछाने के लिए।
807	0	19	50		राज्य : गुजरात ज़िला : मुरान तालुका : ओपर्डसी
Cart track	0	01	05		गांव ज़िला नं० हैन्डेपर प्रारम्भ मेन्टीयर
614	0	11	25		मलगामा 224 0 09 34
615	0	11	55		221 0 00 06
616	0	13	20		225 0 39 87
610/1	?	10	60		215 0 29 00
609	0	03	25		246 0 00 03
617	9	11	50		233 0 10 59
627/1	0	02	10		234 0 42 06
604	0	02	80		231 0 43 17
603	0	03	20		23 0 48 26
602	0	10	50		22 0 05 95
634	0	03	90		21 0 10 25
527	0	15	25		20 0 00 10
636	0	01	25		10 0 01 02
526/2	0	03	75		11 0 10 43
526/1	0	14	40		12 0 09 52
525/1	0	05	85		13 0 00 60
525/2	0	05	40		14 0 18 05
Cart track	0	01	35		16 0 00 27
481/1	0	05	85		17 0 22 95
481/2	0	09	00		43 0 15 22
482/1/B	0	01	80		83 0 40 26
482/2	0	04	35		42 0 07 72
486/2	0	03	90		
486/1	0	00	65		
489	0	19	05		
417	0	02	50		
418	0	23	30		
419/2	0	00	30		
414	0	00	15		
413	0	11	10		

[No. O-12016/5/83-Prod.]

[सं० -०-१२०१६/७३/८३-प्रा०]

का०आ० 4332 :—यह: पेट्रोलियम और खनिज पार्किलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उक्त मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० 2825 तारीख 23-6-83 द्वारा केन्द्रीय सरकार ने उम अधिसूचना से संलग्न अनुसूची में विनियोग भूमियों के उपयोग के अधिकार की पाइप लाइन को बिछाने के प्रयोजन के लिए अंतिम करने का आना आशय घोषित कर दिया था।

और यह: समक्ष प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे रहा है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनियोग भूमियों में उपयोग का अधिकार अंजित करने का विनियन्य किया है।

अब, अत. उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घौषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनियोग उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एनद्वारा अंजित किया जाता है।

और आगे उम धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आपोग में, सभी वाधाओं से मुक्त हृष में, धोपण के प्रकाणन की इस तारीख को निहित होगा।

S.O. 4332.—Whereas by notification of the Government of India in the Ministry of Energy, (Department of Petroleum) S.O. 2825 dated 23-6-83 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Aquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline;

And whereas the Competent Authority has under Sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Hajira to Utran

State : Gujarat	District : Surat	Taluka : Choriyasi			
Village	Block No.	Hectare	Acre	Cent	Hi
1	2	3	4	5	
Malgama	224	0	09	34	
	221	0	00	06	
	225	0	39	87	
	245	0	29	00	
	246	0	00	03	
	233	0	10	59	
	234	0	42	06	
	231	0	43	17	
	23	0	48	26	
	22	0	05	95	
	21	0	10	25	
	20	0	00	10	
	10	0	01	02	
	11	0	10	43	
	12	0	09	52	
	13	0	00	60	
	14	0	18	05	
	16	0	00	27	
	17	0	22	95	
	43	0	15	22	
	83	0	40	26	
	42	0	07	72	

[No. O-12016/73/83—Prod.]

कांग्रेस 4333.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में मह आवश्यक है कि गुजरात राज्य में हजारी से बरेली से जगदीशपुर तक पेट्रोलियम के परिवहन के लिए पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिलाई जानी जाहिए।

आर वन. यह प्राप्ति होता है कि ऐसी लाइनों को बिलाने के प्रयोजन के लिए एतद्वाबद्ध जनसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और बांद्रा पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) का धारा 3 की उपधारा (ii) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिगार अंजित करते का अपना आपाना एतद्वारा घोषित किया है।

बरतों कि उक्त भूमि में हितवद्धि कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिलाने के लिए आक्षेप गक्षम प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देवधारत प्रभाग, मकरायुग रोड, बडोहना-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिविष्ट यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

राज्य : गुजरात	ज़िला : सूरत	नालका : चायामो	अनुसूची	
गांव	रक्षा नं०	हैक्टेयर	प्राचीर्ष	सेन्टो य
इच्छापुर	284	0	27	90
	282	0	31	70
	283	0	05	50
	500/1	0	13	00
	501/1	0	27	00
	501/2	0	13	90
	583	0	27	70
	580	0	22	80
	581/1	0	15	50
	574	0	00	90
	575	0	08	65
	576	0	08	90
	566	0	08	60
	530/3	0	18	20
	530/4	0	04	70
	565	0	13	20
	532	0	13	60
	533	0	12	45
	555/2	0	16	50
	535	0	33	30
	540	0	26	40
	554/2	0	09	75

[सं० O-12016/131/83-प्र० ३०]

राजेन्द्र सिंह, निदेशक

S.O. 4333.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from HAJIRA-BARELI to JAGDISHPUR in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara (390009).

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

State : Gujarat	District : Surat	Taluka : Choriyasi	Pipeline from Hajira to Bareli to Jagdishpur			
Village	Survey No.	Hectare	Acre	Cent	Hi	
1	2	3	4	5		
Ichhapur	284	0	27	90		
	282	0	31	70		
	283	0	05	50		

1	2	3	4	5
Ichhapur	284	0	27	90
	282	0	31	70
	283	0	05	50

1	2	3	4	5
	500/1	0	13	00
	501/1	0	27	00
	501/2	0	13	90
	483	0	27	70
	580	0	22	80
	581/1	0	15	50
	574	0	00	90
	575	0	08	65
	576	0	08	90
	566	0	08	60
	530/3	0	18	20
	530/4	0	04	70
	565	0	13	20
	532	0	13	60
	533	0	12	45
	555/2	0	16	50
	535	0	33	30
	540	0	26	40
	554/2	0	09	75

[No. O-12016/131/83-Prod.]
RAJENDRA SINGH, Director

(कोयला विभाग)

शुद्धि पत्र

नई दिल्ली, 8 नवम्बर, 1983

का०ओ० 4334.—भारत के राजपत्र तारीख 14 मई 1983 के भाग 2 खण्ड 3 उपखण्ड (ii) में पृष्ठ 2115-2125 पर प्रकाशित भारत सरकार के ऊर्जा भवित्वालय (कोयला विभाग) की अधिसूचना का०ओ० 2115 तारीख 19 अप्रैल, 1983 में—

पृष्ठ 2115 पर—अधिसूचना में—(क) में—

“वर्णित 1966.72 हैक्टर (लगभग) भूमि में” के स्थान पर “वर्णित 1966.72 हैक्टर (लगभग) या 4859.78 एकड़ (लगभग) भूमि में” पढ़ें।

पृष्ठ 2116 पर—अनुसूची क—भाग 1 में—

(1) “पठलेडा कोयला क्षेत्र” के स्थान पर एवं जहाँ कही यह शब्द प्रयोग हुआ हो उसके स्थान पर “पाठलेडा कोयला क्षेत्र” पढ़ें।

(2) “रेखांक सं० सी” (f)/III एफ एफ आर/187-0381” के स्थान पर “सी-1(f)/III एफएफआर/187-0381” पढ़ें।

(3) क्रम सं० 1 में स्थान “उपखण्ड और शृंखला” में—

“(टाका यथा प्लाटिंग)” के स्थान पर एवं जहाँ कही यह शब्द प्रयोग हुआ हो उसके स्थान पर “तल्ला यथा प्लाटिंग” पढ़ें।

(4) क्रम सं० 3 में स्थान “उपखण्ड और शृंखला” में—

“(ट्रॉनोना फार्मिंग)” के स्थान पर “(बगडोना फार्मिंग)” पढ़ें।

(5) भाग II (क) में—

“कुल क्षेत्र 10 21 हैक्टर” के स्थान पर “कुल क्षेत्र 0.21 हैक्टर” पढ़ें।

पृष्ठ 2117 पर—सीमा वर्णन अनुसूची “क” भाग 1 में—

क 1—क-5 रेखा में “अंजित शेडा” II के स्थान पर “अंजित पाठलेडा II” पढ़ें।

पृष्ठ 2118 पर—(1) सीमा वर्णन, अनुसूची “क” भाग IV में—

प 1-घ 2 रेखा में—“अंजित योगरी खण्ड” के स्थान पर “अंजित योगरी खण्ड” पढ़ें।

(2) अनुसूची “क” में—

रेखांक सं० में “187-038” के स्थान पर “187-0381” पढ़ें।

पृष्ठ 2119 पर—(1) पठलेडा ग्राम में अंजित निए गए प्लाटो की संख्यांक में—

“4 भाग 5 से 10” के स्थान पर “4 भाग, 5 से 10” पढ़ें।

(2) (अ) वेसर ग्राम में अंजित किए गए प्लाटो के संख्यांक में—

“93 भाग 94, 95, 96 भाग” के स्थान पर “93 भाग, 94, 95, 96 भाग” पढ़ें।

(ब) “151 भाग” के स्थान पर “151” पढ़ें।

(3) बगडोना ग्राम में अंजित किए गए प्लाटो के संख्यांक में—

(अ) “62 भाग 63” के स्थान पर “62 भाग, 63” पढ़ें।

(ब) “153 भाग 154 भाग” के स्थान पर “153 भाग, 154 भाग” पढ़ें।

(क) “222, भाग, 225, 226 भाग” के स्थान पर “222 भाग, 225, 226 भाग” पढ़ें।

(ग) “270 272 भाग” के स्थान पर “270 भाग, 272 भाग” पढ़ें।

(4) सीमा वर्णन में—

रेखा इ—घ में—“तारीख 14-1-71 भाग” के स्थान “तारीख 14-10-71” पढ़ें।

पृष्ठ 2120 पर—(अ) रेखा छ-ग 1 में—“ग 10” के स्थान पर “ग 1” पढ़ें।

(ब) रेखा ग 2-ज में—“तारीख 8-12-71” के स्थान पर “तारीख 18-12-71” पढ़ें।

(क) रेखा घ—घ 1 में—“तारीख 198-12-71” के स्थान पर “तारीख 18-12-71” पढ़ें।

(घ) रेखा घ 1—घ 3 घ 2 में—“(भाग VI)” के स्थान पर “भाग IV” पढ़ें।

पृष्ठ 2121 पर—न-प रेखा में—“दक्षिणी सीमा पर बिन्दु ‘प’ पर मिलती है” के स्थान पर “दक्षिणी सीमा पर प्लाट सं० 59 में बिन्दु ‘प’ पर मिलती है” पढ़ें।

[सं० 19/65/81-सी एल]

समय सिंह, अवर सचिव

(Department of Coal)

CORRIGENDUM

New Delhi, the 8th November, 1983

S.O. 4334.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2115 dated the 20th April, 1983 published in the Gazette of India, Part II, Section 3, Sub-section (ii) dated the 14th May, 1983 at pages 2115 to 2125.

at page 2123 : under the heading Schedule “B” for “win, work, carry away minerals and acquired”, read “win, work, carry away mineral are acquired” and against serial number 4, under column Compartiment, for “83” and read “383”;

at page 2124 : for “Plot numbers acquired in village Bagydona”, read “Plot numbers acquired in village Bagdonia”.

[No. 19/65/81-CL]
SAMAY SINGH, Under Secy.

CORRIGENDUM

New Delhi, the 10th November, 1983

S.O. 4335.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 2116 dated the 22nd April, 1983 published at pages 2130 to 2133 of the Gazette of India, Part II, Section 3, Sub-Section (ii) dated the 14th May, 1983, at page 2130, the words "Boundary Description" shall be omitted.

[No. 19/64/81-CL]

SAMAY SINGH, Under Secy.

सारणी के स्तम्भ (1) में वर्णित अधिकारी को, जो सरकार के राजपत्रित अधिकारी के पद के समतुल्य अधिकारी है उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है और निर्देश देती है कि उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों के बारे में अपने अधिकारों की स्थानीय सीमाओं के अन्तर्गत उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेगा।

रेल मंत्रालय

(रेलवे बोर्ड)

मई दिल्ली: 8 नवम्बर 1983

का० आ० 4336.—भारतीय रेल अधिनियम 1890 (1890 का अधिनियम IX—की धारा 82-बी द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इलाहाबाद उच्च स्थायालय के सेवा निवृत्त स्थायाधीश तथा इस समय रेल मुद्रार समिति के गैर-सरकारी सदस्य, था० एच०सी० त्रिपाठी, को पूर्वोत्तर रेलवे में आगमी नवीं पर. 6-6-81 को हुई 416 डीउन सकारी गार्फी की दुर्घटना के फलस्वरूप उनमें सभी दोनों का निपटारा करने के लिए एतदारा पूर्ण-कालिक शावा आयुक्त के रूप में नियुक्त करती है। उनका मुद्रालय पूर्वोत्तर रेलवे के मनसी ज० स्टेशन पर होगा।

[सं० 81/६(ओ)/II/1/5]

अजय जौहरी, सचिव

रेलवे बोर्ड तथा भारत सरकार के पर्येन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 8th November, 1983

S.O. 4336.—In exercise of the powers conferred by section 82-B of the Indian Railways Act, 1890 (Act IX of 1890), the Central Government hereby appoints Shri H. C. Tripathi, retired judge of the Allahabad High Court and currently non-official Member of the Railway Reforms Committee as full time Claims Commissioner to deal with all the claims arising out of the accident to 416 Dn. Passenger train on Baghmati River on North Eastern Railway on 6-6-1981. His Headquarters will be at Mansi Junction Railway Station on the N.E. Railway.

[No. 81/E(O)II/1/5]

A. JOHRI, Secy.

Railway Board & ex-Officio Jt. Secy.

इस्पात और खान मंत्रालय

(इस्पात विभाग)

नई दिल्ली, 11 नवम्बर, 1983

का० आ० 4337—सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के इस्पात और खान मंत्रालय (इस्पात विभाग) की अधिसूचना संख्या का० आ० 2675 तारीख 8 सितम्बर, 1981 का अतिनामन करते हुए केन्द्रीय सरकार नीचे दी गई

सारणी

अधिकारी का पदनाम

सरकारी स्थानों के प्रबंग और अधिकारिता की स्थानीय सीमाएं

1

2

प्रबन्धक (सम्पदा और प्रशासन) / कुद्रेमुख आयरन और कंपनी लि० बरिष्ठ प्रशासनिक अधिकारी, के या उसके द्वारा पट्टे पर लिए कुद्रेमुख आयरन और कंपनी गए या उसके द्वारा या उसकी ओर लि०, II ब्लॉक कोर, मंगला, से अधिगृहीत स्थान बंगलौर 560034 (कर्माण्डक राज्य)

[संख्या 2(7)/83 कुद्रेमुख]

दिनेश चन्द्र वाजपेयी, निदेशक

MINISTRY OF STEEL & MINES

(Department of Steel)

New Delhi, the 11th November, 1983

S.O. 4. 37—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of Government of India in the Ministry of Steel and Mines (Department of Steel) No. S.O. 2675 dated 8th September 1981, the Central Government hereby appoints the officer mentioned in column(1) of the Table below being an officer equivalent to the rank of a gazetted officer of Government, to be estate officer for the purposes of the said Act and further directs that the said officer shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction.
1	2
Manager (Estate and Administration)/Senior Administrative Officer, Kudremukh Iron Ore Company Limited, II Block, Koramangala, Bangalore 560034 (Karnataka State)	Premises belonging to or taken on lease or requisitioned by or on behalf of Kudremukh Iron Ore Company Limited.

[E.No. 2(7)/83 KDM]

D.C. BAJPAI, Director

मंस्कृति विभाग

नई दिल्ली, 11 नवम्बर, 1983

का०आ० 4338—सार्वजनिक परिसर (अनधिकृत कब्जों का निष्कासन), अधिनियम 1971 (1971 की 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा नीचे दी गई सारणी के कालम 1 में उल्लिखित अधिकारी को, सरकार का एक राजपत्रित अधिकारी होने के नाते उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी के स्पष्ट में नियुक्त करती है जो प्रदत्त अधिकारों का प्रयोग करेंगे तथा उन कर्तव्यों का निष्पादन करेंगे, जो सम्पदा अधिकारियों पर उक्त अधिनियम द्वारा या उक्त सारणी के कालम 2 में समर्तर्त प्रविष्टि में निर्धारित सार्वजनिक परिसरों के सम्बन्ध में उनके भेत्राधिकार की स्थानीय सीमाओं के अन्तर्गत उन्हें सौंपे जाते हैं।

मारणी

अधिकारी का पदनाम	सार्वजनिक परिसरों की श्रेणियां तथा भेत्राधिकार की स्थानीय सीमाएं।
श्री शीतला प्रमाद, सहायक अभिलेखागार, निदेशक भोपाल। भारतीय राष्ट्रीय अभिलेखागार	बंगला मं० 1, प्रोफेसर्स कालानी

नई दिल्ली ।
[एक० सं० 28-36/83-पु०]
एम० एन० अग्रवाल, अवर मनिक

DEPARTMENT OF CULTURE

New Delhi, the 11th November, 1983

S.O. 4338.—In exercise of the powers conferred of section 3 of the Public Premises (Eviction of unauthorised Occupants) Act, 1971 (40 of 1971), the

1015 GI/83—3

Central Government hereby appoints the officer mentioned in column 1 of the table below, being a gazetted officer of Government, to be estate officer for the purposes of said Act, who shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act within the local limits of his jurisdiction in respect of public premises specified in the corresponding entry in column 2 of the said table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction.
Shri Shitla Prasad, Assistant Director of Archives, National Archives of India, New Delhi.	Bangalow No. 1, Professors Colony, Bhopal.

[E.No. 28-36/83-Lib.]

S. N. AGRAWAL, Under Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 26 नवम्बर, 1983

का०आ० 4339.—केन्द्रीय सरकार, नियंत्रित (बवालिटी नियंत्रण और निरोक्षण) अधिनियम, 1963 (1963 का 33) की धारा 13 के खंड (ख) द्वारा प्रवत्त शक्तियों वा प्रयोग करते हुए, निवेश देती है कि उक्त अधिनियम की धारा 6 के खंड (ग) के अवीन इसकी शक्तियों का प्रयोग नियोक्ता और बवालिटी नियंत्रण निवेशक द्वारा भी इस गत के अवीन किया जाएगा कि उन अधिनियम की धारा 6 के खंड (ग) के अवीन शक्तियों का प्रयोग करते समय नियोक्ता और बवालिटी नियंत्रण निवेशक यह समाधान करेंगा नियर्या कि संविदा में संनिवेशित विनियोजन में अधिसूचित वस्तु का उस प्रयोजन के लिए जिसके लिए वह आवधित है, सरोपालक नियादत गृहितित करेंगे।

[संख्या 2/11/83-ई आई एच ई पी]

मो० बी० कुकरेनी, समूक्त निदेशक

MINISTRY OF COMMERCE

New Delhi, the 26th November, 1983

S.O. 4339.—In exercise of the powers conferred by clause (b) of section 13 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby directs that its powers under clause (c) of section 6 of the said Act shall also be exercisable by the Director of Inspection and Quality Control, subject to the condition that the Director of Inspection and Quality Control, while exercising the powers under clause (c) of section 6 of the said Act, shall satisfy that the specifications stipulated in the export contract, ensure satisfactory performance of the notified commodity for the purpose for which it is intended.

[No. 2/11/83-FI&EPI]

C. B. KUKRETI, Jt. Director

थ्रम और पुर्तवास मंत्रालय

(थ्रम विभाग)

नई दिल्ली, 14 नवम्बर, 1983

का० आ० 4340:—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखंड (vi) के अनुसरण में भारत सरकार के ध्रम मंत्रालय जी अधिसूचना सं० 2709 तारीख 9 जून, 1983 द्वारा दिल्ली मिल्क स्कीम की उक्त अधिनियम के प्रयोजनों के लिए 23 जून, 1983 से छ मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छ मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 23 दिसम्बर, 1983 से छ मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं० एल-11017/14/81-डी. १(ए)]

एस. एच. एस. अध्यर, अवर सचिव

MINISTRY OF LABOUR AND REHABILITATION

(Department of Labour)

New Delhi, the 14th November, 1983

S.O. 4340.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 2709 dated the 9th June, 1983 the Delhi Milk Scheme to be a public utility service for the purposes of the said Act, for a period of six months, from the 23rd June, 1983;

And, whereas, the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months,

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 23rd December, 1983.

[No. S-11017/14/83-D I(A)]

S. H. S. IYER, Under Secy

New Delhi, the 8th November, 1983

S.O. 4341.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management

of Parbelia Colliery of M/s. Eastern Coalfields Limited, Post Office Dishergarh, District Burdwan and their workmen, which was received by the Central Government on the 21st October, 1983.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD.

Reference No. 52/81

PRESENT : Shri J. N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Parbelia Colliery of M/s. Eastern Coalfields Ltd., P. O. Dishergarh, Dist. Burdwan.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri B. N. Lala, Advocate.

For the Workmen.—Shri J. D. Lal, Advocate.

INDUSTRY : Coal.

STATE : West Bengal.

Dated, the 21st October, 1983

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012-(3) /81-D. IV(B) dated the 26th October '81.

SCHEDULE

"Whether the action of the management of M/s. Eastern Coalfields Ltd., P. O. Dishergarh, Dist. Burdwan, in not treating S/Shri Mithilesh Dubey, Mistry and Welder and 7 others (as per Annexure) with effect from January, 1975 as their employees and in stopping them from work with effect from 19-3-1979 is justified ? If not, to what relief are the workmen concerned entitled ?"

ANNEXURE

Sl. No. Name

1. Sri Mithilesh Dubey, Mistry and Welder.
2. Anadi Karmakar, Mistry.
3. Arjun Karmakar, Mistry.
4. Dayamoy Bouri, Mistry.
5. Sanatian Bouri, Helper.
6. Duly Dey, Helper.
7. Chaku Bhandari, Helper.
8. Lakshikanta Mondal, Helper.

2. The case of the workmen is that they were employed in various jobs of blacksmith, tub repairing and miscellaneous jobs of permanent nature connected with the business of coal mining operations and they were performing the jobs in a group on piece rate. All kinds of raw materials and tools were supplied to them from the colliery stores and the place of work is also within the colliery premises of the management and hence they are workmen under the provisions of the Industrial Disputes Act.

3. It is further stated that out of the workmen concerned Sri Mithilesh Dubey used to sign the job contract and took delivery of the requisite raw materials from the colliery stores and along with other concerned workmen manually produced finished goods under the supervision and control of the colliery management and delivered the same for colliery use. They used Ratnpur Colliery premises and Deoli Colliery premises for manufacturing goods and repairing tubs etc. Coal was also supplied free of cost and that Sri Dubey was

never a contractor nor a supplier of the materials from outside. The system of payment to them was on piece rate basis and method of payment was for rendering personal service; for a particular job after taking job order. The wages were determined on piece rate basis at a particular rate given in the job order. Sri Dubey as a leader of the team used to sign the job order and used to withdraw the consolidated amount as remuneration for production of finished goods and the total amount received by him from the management was shared by the concerned workmen. The wage bill was also signed by Sri Dubey who worked along with others. Free medical aid was given to them from the colliery dispensary and hospital.

4. It is then alleged that when the workmen demanded proper wages and permanent status on time rate basis their services were terminated with effect from 19-3-1979. It is submitted that they are workmen under the management and hence they are entitled to be treated as workmen under the management with effect from January '75 and their work should not be stopped as has been done by the management as the above acts are illegal and arbitrary.

5. The defence is that the sponsoring union has got no locus-standi to raise the present dispute as it has no following in the area and that never any demand was made before the management. It is also stated that the Central Govt. had earlier refused to refer the matter but subsequently the Reference has been made which is illegal.

6. On facts it is stated that the concerned workmen were never an employee under the management and that there was no relationship of employer and employee. It is stated that Sri Mithilesh Dubey is the proprietor of the firm working in the name and style of Dubey Engineering Works for which a licence has been granted to him by the West Bengal Govt. under Small Scale Industry. The said firm used to manufacture wheel rollers frame for wheel rollers, plates for picking belts etc, for which order was given to the firm by the management and rate was also prescribed. The said firm thus used to supply the articles as per rate prescribed by the management and that Sri Dubey or other workmen never employees of the management. The bill also used to be submitted by Sri Dubey himself for the items supplied by him and it was he alone who received payment on behalf of the firm. It is also stated that the said firm is an independent manufacturing unit and is a supplier of materials to the management as per job order and so there is no question of treating them as employees. Further it is stated that the said work is still being carried on by Sri Dubey under whom other workmen work and there has been no stoppage of work as alleged.

7. In the rejoinder, however, the workmen have stated that the alleged registration of the said Firm by Sri Dubey was obtained as the management had threatened not to offer job to him unless registration was obtained and thus the workmen were deprived of their permanent status.

8. The point for consideration is as to whether the action of the management in not treating Sri Mithilesh Dubey and other workmen as their employees and in stopping them from work with effect from 19-3-1979 is justified. If not, to what relief are the workmen entitled.

9. Exts M-1 to M-1/16 are the job orders given to Dubey Engineering Works for supplying materials as per rate prescribed in the job order itself. These job orders would also show that the Firm in question is registered by the West Bengal Govt. All these job orders bear the signature of Sri Dubey. Exts. M-2 to M-2/7 are the vouchers showing the amount paid to Sri Dubey at the rate prescribed in the job order and the amount was received by Sri Dubey himself. Three job orders Exts. M-1/17 to M-1/19 stand in the name of Dubey himself showing that the job mentioned therein has been given to him at the rate mentioned in the job order. MW-1 who is the Manager of the colliery has stated that there was never any relationship of employer and employee between the concerned workmen and the management and that it was Dubey Engineering Works or Sri Dubey who supplied the materials to the management on order given to them as per rate prescribed in the job order. It is also stated by him that a dilapidated house has been

given to Sri Dubey for doing the said job for which no rent is charged. It is admitted in the written statement of the workmen that the job is performed in the colliery premises and not in colliery workshop. It is also admitted by the management that the raw materials are supplied by the management themselves and the raw materials are picked up by Sri Dubey even from underground and for going underground at times their attendance are noted in Form 'C' register which is mandatory. In the written statement also it is admitted on behalf of the workmen that the job order is given to Dubey Engineering Works and Sri Dubey puts his signature on it. No other workman is concerned with the job order. The job order also prescribed the rate at which the materials were to be supplied. Sri Dubey himself received the payment after supplying the materials and he has admittedly put his signature on all the vouchers. There is no document to show that each of the concerned workmen were paid separately. Rather, it is admitted that the total amount was withdrawn by Sri Dubey and according to him (WW-1) he used to distribute the amount among the other concerned workmen. He has, however, nowhere stated at which proportion the amount used to be distributed amongst them. Admittedly no appointment letter was issued to any of the concerned workmen.

10. Ext. W-1 is a letter by the Manager to the Group Accounts Officer showing that certain job has been assigned to Sri Dubey for which a sum of Rs. 150 was to be paid to him as labour cost. This document thus clearly indicates that Sri Dubey was never treated as an employee of the management and that he was paid some amount as labour cost as three persons were required to complete the job. Ext. W-2 series have been filed to show that Sri Dubey was allowed to collect some raw materials or was given some raw materials by the management for preparing certain materials. This fact is admitted by the management that the raw materials for manufacturing goods was supplied by the management. Ext. W-3 is a letter dated 14-3-75 written by the Senior Engineer to the Manager, Parbelia Colliery allowing Sri Dubey to work in the colliery Blacksmith Shop as he has been given the contract of making some wheel rollers. This letter would utmost show that for doing a particular job Sri Dubey was allowed to work in colliery blacksmith shop. This does not prove that all the works are being carried on by Sri Dubey or his men in the colliery workshop. Rather it is admitted in the written statement of the workmen itself that the work is carried on in the colliery premises for which, according to the management, a dilapidated building has been given to them. All these evidence thus clearly indicate that it is Sri Dubey or his Firm viz. Dubey Engineering Works who supply certain goods to the management as per job order for which a fixed rate is prescribed. Other workmen no doubt work under Sri Dubey but there is no document to show that Sri Dubey or his men was ever treated as a workman by the employer. Thus there is no relationship of employer and employee between the parties and so the question of treating the concerned workmen as employee or giving them permanent status does not arise at all.

11. Further it is not denied on behalf of the workmen that the same job is being performed by the concerned workmen even till to-day at a fixed rate and there is no question of stopping work to them from a particular date as alleged by them.

12. The next question is as to whether the sponsoring union has locus-standi to raise the dispute. WW-2 who is a member of the union has stated that this union has got members in this colliery and it functions there. This fact is also proved from the membership register filed in this case. Ext. W-5 is a certified copy of an award of this very Court in which it was held that this union functions in this colliery. Ext. W-6 is a letter dated 26-6-1979 showing that the dispute was raised by this union before the management and by Ext. W-7 it was raised before the A.L.C. Ext. W-8 is the resolution of the union showing that this dispute was taken up by it. WW-1 has stated that he is a member of this union who was authorised to raise the dispute. Thus from the above documents it is clear that the sponsoring union has got locus-standi to raise the present dispute and so the Reference is competent.

13. Considering the entire evidence on record, I hold that the action of the management in not treating the concerned workmen as their employees is justified. It is also held that

the work given to them as per job order has not yet been stopped and so there is no question of stopping these person from the work. In the circumstances the concerned workmen are not entitled to any relief.

14. The award is given accordingly

J. N. SINGH Presiding Officer.
[No. L-19012(3)/81-D. IV(B)]

S.O. 4342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad, in the industrial dispute between the employers in relation to the management of M/s. Eastern Coalfields Limited, Post Office Dishergarh (Burdwan) and their workmen, which was received by the Central Government on the 31st October, 1983.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

REFERENCE NO. 25/81

PRESENT : Shri J.N. Singh,
Presiding Officer.

PARTIES : Employers in relation to the management of Chairman-cum-Managing Director, M/s. Eastern Coalfields Ltd., Dishergarh Dist. Burdwan.

AND

Their workmen.

APPEARANCES :

For the Employers—Shri R.S. Murthy, Advocate
For the Workmen—Shri J.D. Lal, Advocate.

INDUSTRY : Coal. STATE : West Bengal
Date, the 25th October, 1983.

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them u/s 10 (1) (d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under order No. L-19011(1)/81-D. IV (B) dated the 28th May, 1981.

Schedule

“Whether the demand of the workmen of Seetalpur, Chinakuri Dishergarh Guest Houses and CMD Office, whose names are mentioned in the Annexure, that they should have the working hours per day at par with those employees of CMD Office establishment of M/s. ECL is justified ? If so, to what relief are the concerned workmen entitled and from what date ?

ANNEXURE

Sl. No.	Name of the workmen	Working place
1.	Shri Raji Ahmed	Seetalpur Guest House
2.	Shri Kalu Rai	—lo—
3.	Shri Basanta Choudhari	—do—
4.	Shri Kashimuddin	—lo—
5.	Shri Etoari	—lo—
6.	Shri Sasti Keora	Dishergarh Guest House
7.	Shri Mukul Keora	—lo—
8.	Shri Ramu Keora	—do—
9.	Shri Purna Keora	Chinakuri Guest House
10.	Shri Golam Rasul	C.M.D. Office-Bearer”

2. The case of the workmen is that the Guest Houses in question where they are working are part and parcel of the Office establishment of the Chairman-cum-Managing Director of Eastern Coalfields Ltd. Sanctoria and they are controlled, supervised and paid from the said office. It is then alleged that the Guest Houses along with the mines were nationalised in the year 1973 and after nationalisation the working hours of the CMD office has been fixed at 39 hours per week and for any extra work they are paid overtime wages. The concerned workmen, however, were made to remain at their place of work for more than 12 hours a day and no duty hours were fixed for them. They are time rated workers and therefore their duties should be treated continuous when they remain present at the duty spot. Their demand is that their duty hours should be fixed at par with the duty hours in the CMD office.

3. The defence of the management, however, is that the sponsoring union has no locus-standi to raise the present dispute as they have no following in the locality nor any of the concerned workmen are member of the said union nor there is any resolution of the union to raise the dispute.

4. On merits it is stated that one of the concerned workmen viz. Sl. No. 10 Shri Golam Rasul is a Bearer in the CMD office and he has to remain present in the office when the CMD is present in the office. It is, however, stated that the office staff in the CMD Office includes only the clerks and the peons working there and they have got 39 hours duty in a week, but there are other staff also like Mali, Darwan etc. who has to work in a shift of 8 hours duration. It is also stated that the work in the CMD Office is quite different from the work in the Guest House and there can be no comparison between the two. The staff in the Guest Houses have to work only when some Guests arrive in the Guest House and for rest of the period they remain at their residence which they have been provided by the management closed to the Guest House. They have got no continuous work but have got work of intermittent nature and therefore the question of fixation of their duty hours at par with the office of the CMD does not arise at all. It is further stated that the effective duty performed by them is never more than 8 hours and generally when any Guest arrives the Guest House staff are called from their residence. It is also the case of the management that the system which was continuing since before nationalisation is still continuing in the Guest Houses and there is no change in their service conditions.

5. During the course of hearing, however, it was contend on behalf of the management that from 1-1-1979 when the N.C.W.A. came into force the duty hours of the Guest House staff has also been fixed at 8 hours per day and for any extra work they are paid overtime wages. This fact is admitted by the workmen also.

6. The question for determination is as to whether the demand of the concerned workmen that they should have the working hours per day at par with those employees of the C.M.D. Office establishment is justified.

7. The management has filed Exts. M-1 & M-2 letter as also the original note to show that from 1-1-1979 the duty hours of the Guest House staff has been fixed at 8 hours per day. It is admitted by the workmen that besides the peons and clerks there are also other staff in the CMD Office like Drivers, Malis, Pump Khalasis etc. whose duty hours are 8 hours per day and 39 hours duty per week is only meant for peons and clerks. WW-1 is one of the concerned workmen who admits that Shri Golam Rasul one of the concerned workmen remains in the office till the C.M.D. (Chairman-cum-Managing Director) remains in the office and he leaves when the C.M.D. leaves the office. It is admitted by him that the system which was continuing during erstwhile management was being continued even after nationalisation. It is also admitted by him that they have got their quarters in the compound of the Guest House. There is also a hospital near the C.M.D. Office where also the duty is 8 hours per day. WW-2 has admitted that there is kitchen in the said hospital where it is said that the Cooks work for 8 hours per day. It cannot be denied that the job of Guest House staff is quite different from those of the clerks and peons working in the C.M.D. Office. The clerks and peons have

to work continuously for the duty hours prescribed for them but in the Guest House the work is apparently of intermittent nature and not continuous. The Cooks have to prepare meals while the Bearers have to attend the Guests and there works only intermittent and cannot be a continuous one. Further they are required to work only when there is Guest in the Guest House, MW-1 has also stated that the Cooks and Bearers have been provided accommodation near the Guest House for which no rent is charged.

8. Thus from all the above evidence it will appear that the job of Cooks and Bearers in the Guest House are quite different from the job of clerks and peons of the C.M.D. Office and their duty hours cannot be equated. Further in the C.M.D. Office also the Malis, Drivers and other staff have different working hours. It is also in evidence that in other Guest Houses of Eastern Coalfields or in the Guest Houses of Bharat Cooking Coal Ltd., which is also a subsidiary of Coal India, the duty hours of Guest House staff is quite different than those of the staff at their Head Office.

9. Considering these, I hold that the demand of the concerned workmen that their duty hours should be at par with the duty hours in the CMD Office is quite unjustified. They have been provided with 8 hours duty with effect from 1-1-1979 which is quite reasonable as for this 8 hours also they have got no continuous work but their work is of intermittent nature.

10. It will also appear that though the concerned workmen have demanded that their duty hours should be revised from the date of nationalisation i.e. since 1973 but no representation was ever made before the management. No document has been filed to show that any such representation was made. For the first time such representation was made in March, 1978 vide Ext. W-2 on which dispute was raised which ended in failure vide Ext. W-3 failure report. On this score also the claim is a stale one.

11. On the point of locus-standi of the union, in view of the objection raised by the management the duty of the union was to file their membership register as also counter-foils receipt books to show that the concerned workmen are members of their union. No such document has been filed. Further there is also no resolution of the union to show that union was authorised to raise the present dispute. There is only resolution Ext. W-8 dated 14-9-80 which shows that in a meeting of Executive Committee held on 14-9-80 the reference of certain actions taken by the union has been mentioned and it shows that the present dispute was pending conciliation before the A.L.C. This does not indicate that the Executive Body of the union had authorised the union to raise the present dispute or that the concerned workmen had even authorised them to take up their dispute. On this score also the Reference is not competent.

12. There is one more lacuna in the case which though not pleaded but has been urged during the course of argument on behalf of the management contending that it was law point. It was contended on behalf of the management that the Guest Houses are not part of the mine and hence the Central Govt. is not competent to refer the present dispute. It is admitted by WW-1 that the Guest Houses in question are far away from the mine premises. Admittedly no mining operation is carried on in the Guest Houses. Further the definition of 'mine' as given in the Industrial Disputes Act or in the Mines Act does not include Guest House. In such circumstances as the Guest House is not a part of the mine the Central Govt. has no jurisdiction to refer the present dispute.

13. Considering the above facts and circumstances of the case, I hold that the demand of the concerned workmen that they should have the working hours per day at par with those employees of the C.M.D. Office establishment is unjustified and in the circumstances the concerned workmen are not entitled to any relief.

14. The award is given accordingly.

J N SINGH, Presiding Officer.

[No L. 19011(1)/81-D. IV(B)]

A. K. SAHA MANDAL, Desk Officer.

New Delhi, the 16th November, 1983

S.O. 4343.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad in the industrial dispute between the employers in relation to the Andhra Bank, Hyderabad and their workmen, which was received by the Central Government on the 3rd November, 1983.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

PRESENT :

Sri M. Srinivasa Rao, M.A., LL.B., Industrial Tribunal.

Industrial Dispute No. 30 of 1981

BETWEEN

The Workmen of Andhra Bank, Hyderabad

AND

The Management of Andhra Bank, Hyderabad.

APPEARANCES :

Shri K. Rama Rao, Joint Secretary, Andhra Bank Employees' Union—for the Workmen.

Sri K. Srinivasa Murthy, Hon. Secretary, Federation of Chamber of Commerce and Industry, A.P., Hyderabad and Miss G. Sudha, Member of Federation of C.C.&I., Hyderabad for Management.

AWARD

The Government of India vide its letter No. L-12012/118/81-D.II(A), dated 28-11-1981 referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Employers in relation to Andhra Bank and their workmen to this Tribunal for adjudication :—

"Whether the action of the Management of Andhra Bank in relation to its Central Office at Hyderabad in transferring Shri Yousuf Khan, Sub-Staff (Driver) to Secunderabad with effect from the 11th September, 1978 as Peon and thereby depriving him of Driver's allowance, is justified ? If not, to what relief is the workmen concerned entitled ?"

2. The workman concerned in this matter is one Yousuf Khan, a Peon employed in the Bank from 12-4-1976. The Andhra Bank Employees' Union which espoused his cause filed a claims statement before this Tribunal. The claims statement is that the workman Yousuf Khan was entrusted with the duties of a Driver in the month of April, 1976 and continued to work as Driver till September, 1978 drawing Special Allowance i.e. Driver's allowance and D.A. thereon, that in September 1978 the Special Allowance paid to him was suddenly withdrawn by the Management without assigning any reason or notice and he was transferred to Secunderabad Branch on 9-9-1978 as Peon, that he would be drawing an amount of Rs. 235.00 by way of Special Allowance and D.A. thereon but for such withdrawal and therefore it is monetary loss to the Workman by unilateral, arbitrary and unjustified action on the part of the Management. It is further pleaded that the action of the Management is violation of Para Nos. 5, 9 of the By-Partite Settlement dated 19-10-1966 and also contravention of Section 9A of the I.D. Act as it is a change of service condition of the employee without any notice, and withdrawal of the Special allowance is nothing but a colourable exercise of power on the part of the Management. It is prayed that the Management should be directed to pay that Special Allowance with arrears.

3. The counters of the Management is that the Workman was appointed as Member of the Sub-Staff and was being paid that salary and he was being given Driver's allowance when he was working as Driver and that allowance is payable only as long as the workman works as a Driver and not when he performs the normal duties of sub-staff, and that allowance goes with the function and not with the designation of a post. It is contended that it is open to the Management to transfer an employee and allot him the

various functions and if he does not carry on the functions carrying special allowance he will not be entitled to draw them, and duties attracting special allowance need not be continued permanently nor as a right to the employee and that transfer of this workman therefore is neither a punishment nor demotion nor that transfer is arbitrary and therefore the reference and also the claim have to be rejected.

4. The workman concerned is examined as WW-1 while two witnesses are examined on behalf of the Management as M.Ws. 1 and 2. The workman in his evidence states that before he joined Andhra Bank he worked in State Finance Corporation, Hyderabad under Shri Swaminath Reddy, the Managing Director of that Corporation, that the said Swaminath Reddy promised him to give the post of Driver in Andhra Bank and he was appointed on 12-4-1976 as peon and to his enquiry he was told that no one would be appointed as a Driver in the first instance and one would be appointed as a Peon first and the Driver's post will be given later and he was employed as Driver on 1-5-1976 after 18 days after his appointment as Peon and he was driving Bank's car of Swaminath Reddy. He says that he was appointed as Driver and worked as Driver for two years and four months and he was removed from that post. He states that removing him from the post of Driver, one G. Ram Reddy was employed as Driver in his place to drive the car of Swaminath Reddy, though that Ram Reddy was junior to him in the service of the Bank. His evidence further is that afterwards he was transferred to Secunderabad Branch on 9-9-1978, Exs. W-1 to W-12 documents are got marked on behalf of the workman as supporting his view point.

5. MW-1 is K. Subba Lakshmi who is working as an Officer in the Personnel Department of the Bank. Her evidence is to say that this workman is not entitled to Special Allowance as Driver on his transfer as Peon to Secunderabad Branch. In her evidence she says that Ram Reddy who was working as Driver of the car of the Chairman for some time was transferred as Peon-cum-Driver to Somajiguda Branch but she does not know what duties he was performing in that Branch and after 10 days he was again transferred to Andhra Bank, C.D. Cell as Motor-Cycle Driver and he is being paid special allowance of Driver. She says that she does not know whether Ram Reddy was paid special allowance as Driver when he worked in the Somajiguda Branch. In cross examination she says that the Bank does not appoint any one as Driver straight away but they appoint as Peons only and the Peons having a Driving Licence and Driving experience are posted as Drivers. She says that she does not know when a person is appointed as a Driver temporarily or appointed as Driver permanently and to her knowledge there is no case of a peon being appointed as Permanent Driver in the Bank. MW-2 is P. V. Subba Rao another officer in the Staff Department of the Bank. His evidence is similar to that of MW-1 and is in support of the counter of the Management. He says that there is no cadre of drivers in the Bank and the Chairman entrusts the duties of a Driver to any Peon he wants. In cross-examination he says that the Bank never appoints any one directly as Driver and the Drivers are appointed from among the Sub-Staff only by entrusting the duties of driving and there is no cadre of Driver in the Bank. He opines that if Ram Reddy was appointed and transferred as Peon-cum-Driver that must be a mistake and states that in Somajiguda Branch Ram Reddy was not working as Driver. He does not know whether Ram Reddy was being paid Driver's Allowance in that Branch though he was not working as Driver and there is no procedure governing temporary or permanent entrustment of the special duties. This witness examine after three days after MW-1 states that there were two more seniors to MW-1 having driving licence when WW-1 was working as Driver that these two persons were not in the Central Office at that time and that the Central Office is a separate Unit while the local branches of Hyderabad from part of Hyderabad Unit. He further states that there was some seniors to WW-1 in Central Office also and all these seniors were working as Drivers.

6. The material facts in this case are not in dispute and the only point for consideration is whether the deprivation of the Driver's allowance to the workman concerned by transferring him as a Peon is justified or arbitrary and

untenable. The Shastry Award, Desai Award and By-Partite Settlements govern the relations between the Management and the employees and the working conditions of the employees and the decision in this case revolves around the relevant paras or Clauses in these awards.

7. In this Bank industry the basic cadres are Sub-Staff and Clerical besides the Officers. There are no grades in these cadres but as and when the members of the Clerical Staff or the Subordinate Staff are entrusted with the special allowance duties or posted to such posts carrying special allowance, they are paid certain lumpsum amounts as special allowance. In the Clerical Staff Telephone Operators, Stenographers, Head Clerks, Assistant Head Cashier Special Assistance etc. and in the Subordinate Staff Cyclostyle Machine Operators, Cash Peons, Armed Guards, Daftaries, Drivers etc. are thus to be paid Special Allowances. The re-posts of Special Allowance are enumerated in the By-partite Settlement under Chapter V and in Shastry Award under Chapter 10, Paras 161 to 169 of Shastry Award refer to and contain the findings on special allowances. Certain posts in the grades of Clerks and Sub-Staff require greater skill and responsibility and efficiency. It was found that there should definitely be higher emoluments to persons entrusted with such duties. Instead of giving additional increments or a higher scale it was felt desirable that such persons holding any such posts should be compensated by paying lumpsum allowance known as Special Allowance. We are concerned with Special Allowance Posts of Sub-Staff in the present dispute and the Shastry Award recognised the persons posted as Drivers as persons entitled as Special allowance and this was approved in Desai Award also and as stated in the By-partite Settlement the parties agreed for the Special Allowance. The claimant in the present dispute as Driver was thus drawing special allowance.

8. There is no cadre or post of a Driver and therefore there is no direct recruitment in this Bank as Drivers. They are recruited as Sub-Staff only and if they are holding valid driving licences and if the Bank requires they would be entrusted with the duties of Driver which carry the Special Allowance. A person is entrusted with Special Allowance duties not as per the whims and fancies of the Management but observing the seniority among the qualified persons. The Settlement Ex. W9 between the Andhra Bank and its employees and also the earlier circular Ex. W8 issued by the Bank give the terms of the eligibility for entrusting Special Allowance. It is clearly laid down that the eligibility shall be determined on the basis of seniority.

9. The submission on behalf of the claimant before me is that he was the senior in the Unit among the Sub-Staff eligible for being entrusted with the special allowance duty of Drivers, and by Ex. W2 order he was entrusted with the Special Allowance duty and he was continued as Driver for the Chairman's car in the Chairman's Department for two years and 4 months till Special Allowance duties were withdrawn by Ex. W6 dated 1-9-1978 and such disallowing while continuing his juniors in special allowance duties arbitrary and unfair and therefore liable to be set aside. Ex. W6 dated 1-9-78 that the duties of Driver entrusted to this claimant as per the earlier letter Ex. W2 dated 1-5-1976 were withdrawn immediately and consequently he would cease to draw the special allowance of Rs. 52.00 and D.A. thereon. Subsequently by Ex. W7 order dated 9-9-1978 he was transferred from Central Office to Secunderabad Branch. The claimant cannot have any objection for the transfer but his grievance is that he cannot be deprived of Special Allowance which he was drawing prior to Ex. W6 order and subsequent transfer to Secunderabad Branch as ordinary Peon. Incidentally only he refers to his transfer as he cannot have any complaint to that if he is allowed to draw that Special allowance subsequent to Ex. W6 order or the subsequent transfer order.

10. It is not the case of the Management that this claimant was not senior among the qualified persons eligible for being entrusted with Special Allowance duties. By Ex. W1 order dated 12-4-1976 this claimant was appointed as Peon and within 18 days thereafter when there was a vacancy of Driver in the Chairman's Department he was entrusted with Special Allowance duty by Ex. W2 order dated 1-5-1976. We are not concerned with the un-substantiated statements of the claimant as W.W.1 that he was earlier driving the car of Sri Swaminath Reddy and he was taken into the Bank with the understanding that he would be given the post of Driver, but the record

shows that this claimant was entrusted with the Special Allowance duty as Driver from 1-5-1976.

11. It is stated that one Ram Reddy who joined the Bank service after this claimant and who would therefore be his junior was taken as Driver of the car of the Chairman subsequent to after 1-9-1978. It is submitted on behalf of the claimant that that Ram Reddy is still drawing the special allowance though he is no more employed as Driver. The Management could not deny this claim of the workman, MW-1 stated that she is not knowing whether Ram Reddy was paid the Special Allowance when he was transferred to Samajiguda Branch. The Management has not placed the particulars of the payments made to that Ram Reddy at Samajiguda Branch to show that he was not paid that Special allowance at that Branch though he was not entrusted with the duties of Driver there. MW-2 admits that the seniors to W.W. 1 in Central Office and having driving licences were working as Driver there. MW-2 admits that the seniors to W.W. 1 in man's Department. Therefore it is not the case of the Management that this claimant was entrusted with the special allowance duties out of order or ignoring his seniors entitled to be entrusted with special allowance post by virtue of his seniority.

12. The contention on behalf of the Management's is that it is only so long as the Peon discharges the function of special allowance duties he would be entitled to that allowance and when he ceases to discharge these functions he would cease to draw that special allowances also. It is also contended that the entrustment of special allowance duties to this claimant was only a temporary one and he was not appointed as a permanent driver under Ex. W2 and therefore the Management can post him to other duties as Peon and in that event he would not be entitled to draw the special allowance. It is argued for the Management that the duties attracting special allowance need not be continued permanently and the employee cannot as of right demand that which he should be entrusted with special allowance duty. But there is no force in any of these contentions.

13. As noticed, the entrustment of special allowance is not a pick and chose method or at the sweet will of the Management but it has to be done as per the seniority only. It is not as if the Management can say that it can pick one person this day for the special allowance duty and send him away the next day and pick another person in his place as per its whims entrustment cannot be a case of hire and fire.

14. The Management cannot say that the post of a Driver in Chairman's Department was a temporary one. The Chairman and his car and the need for driver are permanent features. Therefore this post cannot be considered as a temporary one. Further, the fact that this claimant was continued as Driver in the Chairman's Department for two years four months would show that it was a permanent post and not a temporary or casual vacancy. When the claimant is appointed to such a post and was continued for such a length of time, the Management cannot say that yet the entrustment of that special allowance duties to this claimant was only a temporary arrangement or phase. The Management cannot be allowed to have the whip hand by making temporary appointments in permanent vacancies for such a length of time so that it can change the incumbent as it pleases on the ground that it is only a temporary entrustment. The policy of keeping persons temporarily for indefinite periods in permanent vacancies if persisted would be an unfair labour practice as the Management can change the temporary incumbent at time.

15. It may be pointed out that in the order Ex. W2 it was not mentioned that the entrustment as Driver was temporary one and further in Ex. W3 and W4 communications granting annual increments, this claimant was addressed as Driver and not as Sub-staff driver and when he was granted privilege leave for 8 days under Ex. W5 he was paid the special allowance also drawn by him as Driver. All these would also show that the appointment or entrustment of Special Allowance duty was not a temporary one but a permanent one. The Management tries to say that in Ex. W-2 it is mentioned that the claimant would be entitled to the Driver's allowance so long as he works as Driver and that would mean that in any event if his services were not taken as Driver, the Management would not be liable to continue to

pay that allowance. The words "so long as he works as Driver" in Ex. W-2 order would only mean that as long as the claimant works as Driver. In Clause 5.9 of the By-partite settlement it was mentioned that a workman would be entitled to special allowance so long as he discharges such work but whether he can be asked to cease to do such work with the consequent withdrawal of that special allowance would depend upon the terms of his employment. Illustrations of Head Clerk and Stenographers are given in that Clause mentioning that the Head Clerk and Stenographers employed permanently cannot be deprived of their special allowance. The By-Partite Settlement provides for the workmen to give up the discharge of special allowance duty voluntarily. If the claimant voluntarily requested for withdrawing from that Special Allowance duty then he would not be entitled to Special Allowance. But when he was appointed to a permanent post as per his seniority and when he is willing to perform the duties of that special allowance post, the Management cannot have a right to deprive him of that allowance by posting him to some other duty. If the non-performance of Special Allowance duty is not a voluntary one on the part of the employee but the result of the Administrative act of the management and if he is prevented from performing that duty by such act of the management, the workman would be entitled to draw the special allowance as he would be drawing or as if he is discharging the duties of special entrustment post because non-performance of these duties in such an event was forced on him though he was willing to discharge these duties. The protection given by the All India Awards and the By-Partite Settlement to the employee has to be upheld. The facts and circumstances of this case clearly reveal that the entrustment of special allowance duty to this claimant was a permanent one and that is why he was continued in that duty for such a length of time and therefore the Management unilaterally and arbitrarily cannot deprive him of that allowance by transfer or other administrative act. Temporary appointment and temporary workmen are defined in the By-Partite Settlement, at Clause 20.7. When the claimant was not appointed to the special duty for a limited period or in any casual leave vacancy and when he cannot be termed as temporary employee in that special allowance post it has to be taken that his special allowance entrustment to him was a permanent one. When it is a permanent entrustment and when he is willing to carry on the functions of that post, the withdrawal by the management of the special allowance to which he is entitled otherwise is certainly unfair and cannot at all be justified. There is no hint from the Management that the service of this Driver were not satisfactory and therefore he had to be changed for some other driver. May be the Driver's post is a skilled and personalised one and while one Driver may be driving satisfactorily another person though driving licence may not be driving the vehicle so satisfactorily. But when it is not the case of the Management that any Memos, were given to this claimant that his performance was not satisfactory or that this change had to be brought as a punishment, the claim of the claimant against the deprivation of special allowance to him has to be upheld.

16. On a consideration of the evidence, facts and circumstances of the case, I am clearly of the view that the action of the Management in issuing Ex. W6 order dated 1-9-1978 withdrawing the special allowance to this claimant is wholly unjustified and the prayer of the claimant has therefore to be allowed. In this view it is not necessary to consider whether there is breach of Section 9A of the I.D. Act when the special allowance was withdrawn without notice and that aspect need not be gone into.

17. In the light of the foregoing I hold that the section of the Management in depriving the claimant Sri Yousuf Khan (Sub-Staff Driver) of Driver's allowance by transferring him to Secunderabad Branch is not justified and this claimant is therefore entitled to the payment of the Special Allowance with arrears from 1-9-1978 and the Management shall accordingly calculate and pay the amounts due to this claimant

Award passed accordingly

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 17th day of September, 1983.

Appendix of Evidence

Witnesses Examined for the Workmen :

Witnesses Examined for the Management :

W.W.1 Yousuf Khan

M.W. 1. Srimathi K. Subba Laxmi.

M.W.2. Sri P. V. Subba Rao

Documents Exhibited for the Workmen

Ex. W1/12-4-76.—True copy of the appointment order issued by Staff Manager to Mr. Yousuf Khan.

Ex. W2/1-5-76.—True copy of the letter addressed by the Staff Manager to Mr. Yousuf Khan, Sub-staff cadre regarding the Drivers' allowance of Rs. 52 p.m. plus D.A. thereon.

Ex. W3/5-4-77.—True copy of the Memo No. 3/2869 issued by the Staff Manager Andhra Bank to Mr. Yousuf Khan, Driver regarding the sanction of annual increment.

Ex. W4/1-5-77.—True copy of the memo No. 3/4732 issued by the Personnel Manager, Andhra Bank to Mr. Yousuf Khan, Driver regarding the sanction of annual increment.

Ex. W5/24-5-77.—True copy of the Memo. No. Staff/3/1123 issued by the Staff Manager, Andhra Bank to Yousuf Khan regarding privilege leave for 8 days from 9-5-77 to 16-5-77.

Ex. W6/1-9-78.—True Copy of the letter No. 3/9683 addressed by the Personnel Manager to Md. Yousuf Khan, intimating that the duties of driver entrusted by him withdrawn and consequently ceases to draw the special allowance and D.A. thereon.

Ex. W7/9-9-78.—True Copy of the Office Order No. 3/9918 issued by the Personnel Manager to Yousuf Khan regarding his transfer from Central Office to Rashtrapathi Road Branch (Secunderabad).

Ex. W8/16-2-78.—True Copy of the circular No. 61 issued by the Deputy General Manager, Andhra Bank Central Office to Departments Staff regarding the Special Allowances applicable to workmen Staff.

Ex. W9/19-3-81.—Memorandum of Settlement between the Workmen and the Management of Andhra Bank.

Ex. W10/17-3-82.—True Copy of the letter GS/No. 50/81 addressed by K. Rama Rao, Joint Secretary, Andhra Bank Employees' Union to the Regional Labour Commissioner (C), Hyderabad, Hyderabad regarding the withdrawal of Driver allowance to Mr. Yousuf Khan.

Ex. W11/26-3-81.—True Copy of the letter No. 071/3/ addressed by the Personnel Manager, Andhra Bank to the Regional Labour Commissioner (C), Government of India Ministry of Labour, Hyderabad Hyderabad regarding allegedly illegal withdrawal of special allowance to Mr. Yousuf Khan.

Ex. W12/14-2-81.—True Copy of the letter GS/No. 32/81 addressed by the Joint Secretary, Andhra Bank Employees' Union to the Regional Labour Commissioner (C), Hyderabad, regarding the withdrawal of drivers' allowance to Yousuf Khan.

Documents filed by the Management. Nil

M. SRINIVASA RAO, Presiding Officer

[No. L-12012/118/81-D II (A)]

S.O. 4344.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Hyderabad in the Industrial Dispute between the employers in relation to the Andhra Bank, Hyderabad and their workmen, which was received by the Central Government on the 31st November 1983.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT :

Sri M. Srinivasa Rao, M.A., LL.B., Presiding Officer.
Industrial Dispute No. 28 of 1981

BETWEEN

The Workmen of Andhra Bank, Hyderabad.

AND

The Management of Andhra Bank, Hyderabad.

APPEARANCES :

Sri K. Rama Rao, Joint Secretary, Andhra Bank Employees' Union—for the Workmen.

Sri K. Srinivasa Murthy, Hon. Secretary, Federation of Chambers of Commerce and Industry, A. P., Hyderabad and Miss G. Sudha, Member of Federation of C.C. & I Hyderabad—for the Management.

AWARD

The Government of India vide letter No. L-12012/144/81-D.II.A, dated 6th November, 1981 has referred the following dispute between the Management of Andhra Bank and its Workmen under Section 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication :

"Whether the action of the management of Andhra Bank in relation to their Hyderabad Branch is justified in not taking into account the special allowance (key allowance) for the purposes of payment of subsistence allowance to Shri Bhavanarayana, Clerk, Hyderabad Branch who has been kept under suspension since 29-7-80 ? If not to what relief is the workman concerned entitled ?"

2. The Workman concerned in this dispute is one Shri Bhavana Narayana who was working as Joint Custodian of Hyderabad Branch of Andhra Bank by 29-7-1980. His cause is espoused by the Andhra Bank Employees Union. A claim statement is filed by the Union on his behalf while the Management filed a counter. The workman concerned is examined as W.W.1 and Exs. W1 to W6 documents got marked on his behalf in support of his claim. No evidence is adduced by the Management.

3. The admitted facts in this case are the workman concerned was on Clerical cadre and on 4-2-1980 by the order Ex. W1 he was transferred to Hyderabad Branch of the Bank as a Joint Custodian (Shroff). He was being paid special allowance of Rs. 102.00 per month for working as Joint Custodian (Shroff). He was suspended on 29-7-1980 by Ex. W4 order. As suspended employee he was to be paid 1/3rd of the total emoluments for the first three months and half of those emoluments thereafter. On the date of suspension he was drawing basic pay of Rs. 620.00 D.A. of Rs. 390.60, and Special Allowance of Rs. 102.00 besides H.R.A. and C.C.A. totalling to Rs. 1,216.33/- in all. While paying the subsistence allowance, the Management has not taken into consideration the Special Allowance of Rs. 102.00 this employee was getting at the time of suspension. The dispute raised on behalf of this employee is that the subsistence allowance paid to this workman by the management excluding the special allowance is not a proper subsistence allowance payable and therefore the Management should be directed to pay the proper subsistence allowance taking into consideration the Special allowance also with arrears.

4. In his evidence the workman states that his appointment as Joint Custodian was as per the Circular Ex. W2 and there was also an agreement (Ex. W3) between the Management and the Employees' Union regarding special allowance duties. Exs. W5 and W6 are copies of letters written by his Union to the Regional Labour Commissioner on his behalf before this dispute is referred to this Tribunal. In the claims statement it is mentioned that as per the Shriv Award and Desai Award special allowance has to be taken into consideration for payment of subsistence allowance and the action of the Management in not paying the proper subsistence allowance taking into consideration that special allowance is illegal and arbitrary and the workman is thereby put to monetary loss and consequential hardship and therefore from the date of his suspension, he should be paid proper subsistence allowance.

5. The counter of the Management is that the claimant belongs to the Clerical Cadre and has to carry on the function normally entrusted to Clerical Staff though on certain occasions he may be entrusted with the work of Cashier etc., and special allowance will not be paid unless the employee is discharging those functions for which special allowance is there and it is the practice in the Bank not to pay extra payments unless the persons are allotted with the jobs attracting special allowance and no one can claim as a right to be posted to a particular job entitling special allowance and therefore the subsistence cannot be granted on the assumption that the employee would be doing responsible job to which a special allowance is attached. It is also contended that it is paid only to those who carry on responsible duties so long as they do those jobs and it is open to the Management to transfer an employee from one post to the other in the Clerical cadre and only so long as he carries on the special function, he may be given special allowance and not otherwise and the special allowance paid to Joint Custodian (Shroff) is linked up with his actual functioning in that capacity and what the claimant would therefore be entitled as of right is his basic pay, D.A., H.R.A. and C.C.A. and not the special allowance and the claimant was granted subsistence properly on that basis and therefore the present claim has to be rejected as the claimant has no vested right to claim subsistence allowance and he is not entitled to any relief.

6. In view what has been referred above, the only point for determining the issue involved in this matter is whether the special allowance of the Bank employees forms part of their pay and allowance and subsistence allowance has therefore to be paid taking into consideration that special allowance also.

7. Indisputably the claimant was drawing special allowance of Rs. 102.00 per month by the date of his suspension besides his basic pay, H.R.A., and C.C.A. As per para 557 of Shastry Award 1/3rd of pay and allowances (Underlined by me) which the workman would have got but for the suspension has to be paid as suspension allowance for the first three months and 1/2 pay and allowances for the succeeding months and the same is adopted in Desai's Award at Para 17-14. Para 161 of Shastry Award mentions what the special allowance is. Where certain posts even in the fixed grades require special qualifications or skill for efficient discharge of his duty an extra payment in such cases is necessary as Compensation for that special skill or responsibility. Then three alternatives of compensating that extra responsibility or skill were considered in that award and ultimately it was held in that award that lumpsum allowance or special allowance in each such case would be appropriate. Thus as per the Shastry Award while uniform basic scale with uniform increments were maintained for each grade like Clerical or Sub-Staff. Special allowances were allowed for the extra responsibility an employee has to bear. At para 91 of the Shastry Award, it was indicated that such extra allowances are really a secondary wage in addition to the basic wage and form part of appropriate wage structure.

7. The posting of a Clerk as Joint Custodian (Shroff) is not as per the sweet will and pleasure of the Management. After referring to the contention of the Management in Para 5.288 of Desai award, at para 5.289 it is mentioned in that Award that a person is entitled to special allowance so long as he is in charge of such work but a person cannot be asked to cease to do such work in order that he may not have such allowance and that depends upon the terms of his employment. It is stated there that a person who is employed permanently as Head Clerk or Steno cannot be deprived of such allowances by the Bank at its pleasure by asking him to work as ordinary Clerk and asking him not to work as Steno. Therefore if a clerk has reached a stage in his service where he will have to be posted to a post carrying special allowance, he cannot be deprived of those allowances by asking him not to discharge those duties or by posting him as an ordinary Clerk. The By-Partite Settlement also indicates at para 5.9 that the Management cannot arbitrarily ask a person to cease to discharge duties carrying special allowance and it depends upon the terms of his employment and special allowance would be continued to be drawn by permanent in-cumber even while on leave as per Para 5.10.

1015 GI/83—4

8. Ex. W2 Circular was issued by Andhra Bank on 16-2-1978 as per the agreement arrived at with the Employees' Union regarding entrustment of special allowance to award staff members W.W. 1 claims that he was appointed as Joint Custodian Shroff as per this Circular. Ex. W3 contains the terms of Settlement arrived at between the Management and the Andhra Bank Employees Union. As per Ex. W2 and W3 the eligibility in entrusting special allowance shall be determined on the basis of seniority in service in the cadre. As per the claimant in this case he became entitled to hold the post carrying special allowance or to be entrusted to the post of special allowance. By seniority, he came to be appointed as Joint Custodian Shroff. The order Ex. W1 does not mention that he was transferred as Joint Custodian Shroff temporaril or in any temporary vacancy. As Joint Custodian Shroff he was entitled to and was drawing special allowance of Rs. 102.

9. When Shastry Award and Desai Award mentioned that he should be paid 1/3rd of the pay and allowance which he would got but for the suspension, it necessarily means that the entire amount of allowances he would have otherwise got but for the suspension should be taken into consideration in fixing his suspension allowance.

10. As rightly contended for the claimant, for the purpose of H.R.A. for the purpose of adjusting pay scales into new pay scales, for calculating overtime allowances, for payment of bonus, Provident Fund, Gratuity and Leave salary, Special allowance is considered as part of the total emoluments drawn by the workman. The special allowances are payments to the employees entrusted with more responsible duties carrying special allowance in order of seniority. For so many purposes pay is considered as basic pay and allowance including special allowances. There is no justification for not taking the special allowance as part of the allowance in fixing the suspension allowance.

11. There is no force in the contention of the management that because the claimant ceased to discharge the functions of Joint Custodian Shroff from the date of his suspension he would not be entitled to the Special allowance attached to that post. This non-performance of the Special allowance function was not a voluntary one but is the result of the order of suspension. It is not a case of the employee not willing to discharge those duties but by the Administrative Act of suspension he is prevented from performing those duties including the special allowance duty. This claimant would have got the pay and allowances including the special but for the suspension. Para 557 of the Shastry Award says that he should be paid 1/3rd of the pay and allowances which he would have got but for the suspension. May be the word "Special Allowance" also is not used in this para but the word "Allowances" used is comprehensive enough and is inclusive of special allowance also. The D.A., H.R.A., C.C.A. are all allowances under this term "Allowances" used in this para even though they are not specifically enumerated. Special Allowance is also a similar allowance. It is not necessary when the term used in this para is 'Allowances' every species of that also be enumerated. Whatever allowances the employee was getting on the date of suspension, whether it is as D.A., H.R.A., C.C.A. or Special allowance or any other allowance, all that has to be taken into consideration in fixing the suspension allowance. May be some other persons suspended by this Bank might not have been paid this special allowance also but that is no reason why the claim should not be considered when it is raised and brought before this Tribunal. If the other employees suffer denial of that allowance, that cannot be put forth against the claim of this employee if it is otherwise just and proper and tenable.

12. On a consideration of the entire material and relevant circumstances. I am clearly of the view that the term "Allowances" used in para 577 of the Shastry Award takes into its ambit the special allowance also and suspension allowance has to be fixed and paid taking into consideration that special allowance. The claim in this reference has therefore to be allowed. I hold accordingly. In the result, I hold that the Management is not justified in not taking into account the special allowance for purpose of payment of subsistence allowance to Sri Bhavana Naravana and the Management should therefore pay him the subsistence allowance from the date of his suspension i.e. 29-7-1980 taking that special allowance of Rs. 102.00 per month also into consideration, till he becomes entitled to receive the suspension allowance.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 16th day of September, 1983.

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses Examined
for Workmen :

W.W.1 T. Bhavanarayana

Witness Examined
for Management :

-NIL-

Documents filed by the Workmen :

Ex. W1/4-2-80—True copy of the Office Order issued by the Personnel Manager, Andhra Bank to T. Bhavanarayana regarding his transfer from Nampalli Branch to Hyderabad Branch, Hyderabad.

Ex. W2/16-2-78—True copy of the Circular No. 61 issued by the D.S. Sharma, Dy. General Manager, Andhra Bank Central Office Hyderabad-1 to Department Staff regarding the Special allowance applicable to workmen.

Ex. W3/19-3-81—True copy of the Memorandum of Settlement between the Management of Andhra Bank and the Andhra Bank Employees Union.

Ex. W4/29-7-80—True copy of the suspension order issued by the Regional Manager, Andhra Bank to T. Bhavanarayana.

Ex. W5/3-2-81—True Copy of the letter addressed by the Andhra Bank Employees Union, Hyderabad to the Regional Labour Commissioner (C), Hyderabad regarding the improper payment of subsistence allowance to employee under suspension.

Ex. W6/1-4-81—True copy of the letter addressed by the Andhra Bank Employees Union, Hyderabad, to the Asst. Labour Commissioner (Central) regarding the improper payment of subsistence allowance to employee under suspension.

Documents filed by the Management :

NIL
M. SRINIVASA RAO, Presiding Officer
[No. L-12012/144/81 D.II(A)]
N. K. VERMA, Desk Officer

S.O. 4345.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad, in the industrial dispute between the employers in relation to the management of Chinakuri Colliery of M/s. Eastern Coalfields Limited P.O. Sunderchak, District Burdwan and their workmen, which was received by the Central Government on the 1st November, 1983.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 71/82

PRESENT :

Shri J.N. Singh,

Presiding Officer.

PARTIES :

Employers in relation to the management of Chinakuri Colliery of M/s. Eastern Coalfields Ltd., P.O. Sunderchak (Burdwan).

AND

THEIR WORKMAN

APPEARANCES :

For the Employers—Shri T.P. Chowdhury, Advocate.

For the Workman—Shri J. D. Lal, Advocate.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 26th October, 1983

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 14 of 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(59)/82-D. IV (B) dated the 22nd July, 1982.

SCHEDULE

"Whether the action of the management of Chinakuri Colliery of M/s. Eastern Coalfields Ltd., P.O. Sunderchak, Dist. Burdwan was justified in dismissing Shri Ram Khelwan Rajak, Underground Loader with effect from 24-10-1979 ? If not, to what relief the workman is entitled and from what date ?"

2. The concerned workman Sri Ramkhelwan Rajak was appointed as Loader in the year 1959 in Girmih Colliery and subsequently he was transferred to Chinakuri Colliery in the year 1967 where he had been working as an Underground Loader till his dismissal. His case is that he was a member of Colliery Mazdoor Sabha of India, Chinakuri Colliery Branch and was its Branch Secretary in the year 1979.

3. It is alleged that he fell ill all of a sudden on 20-4-79 and as such could not attend his duty on that date. But on the following date i.e. 21-4-79 when he went to report for duty he was not allowed to join by Shri A.K. Chatterjee, Under Manager of Pit No. 2. His attendance was not marked and he was not allowed to go underground. He then approached the Under Manager Shri Chatterjee but was told that as he did not join his duty on 20-4-79 he would not be allowed to go underground for duty on 21-4-79 and when the concerned workman insisted he was rebuked and threatened by the Under Manager. The concerned workman again approached the Under Manager on 22-4-79 and asked him to issue an order in writing not allowing him duty on 21-4-79, but instead a chargesheet was issued against him dated 23-4-79 alleging that he had assaulted and abused Shri Chatterjee the Under Manager. The workman gave his reply but thereafter a departmental enquiry was conducted against him and he was dismissed with effect from 24-10-79. It is submitted that the enquiry was not fair and proper and the Enquiry Officer did not apply his mind to the aspect of the case and rejected the evidence of defence witnesses on flimsy grounds. It is also submitted that the said action was taken against the concerned workman for victimisation and it amounted to unfair labour practice and the said order is illegal and unjustified. He has, therefore, prayed that he be reinstated with full back wages.

4. The defence of the management is that the concerned workman on 22-4-79 assaulted Shri Chatterjee, Jr. Mining Engineer while Shri Chatterjee was on duty and also abused him in filthy language for which a chargesheet was issued against him on the following day. The explanation submitted by the concerned workman was found to be unsatisfactory and hence a domestic enquiry was held against him in which he was given full opportunity to defend himself. The witnesses were examined in presence of the concerned workman also examined defence witnesses and himself. The Enquiry Officer on consideration of the evidence found the workman guilty of the charge framed. The concerned workman also examined defence witnesses and him of Dishergarh Area who ordered for dismissal of the concerned workman from the date as mentioned in the term of Reference. It is submitted that the enquiry was fair and proper and as it was a case of gross misconduct and subservient of indiscipline the extreme punishment of dismissal was inflicted against him.

5. On the above grounds it is prayed that the Reference be decided in favour of the management.

6. The point for consideration is as to whether the action of the management in dismissing the concerned workman with effect from 24-10-79 is justified. If not, to what relief the workman is entitled.

7. During the course of hearing of the case the workman did not challenge the fairness and propriety of the enquiry and conceded that the case be heard on merits. No evidence was adduced on his behalf to show that the enquiry was in any way not fair and proper or that the Enquiry Officer was biased or prejudiced against him.

8. In fact no oral evidence has been adduced by either parties and the management has based their case on the enquiry itself.

9. In the circumstances it must be held that the enquiry was fair and proper.

10. Then let us come to the merits of the case. The entire enquiry proceeding has been filed on behalf of the management which is on the record. From the enquiry proceeding it appears that the concerned workman was present on all the dates of enquiry and he cross-examined the prosecution witnesses and also adduced as many as 6 defence witnesses including himself. It is, therefore, to be seen from the enquiry proceeding as to whether the charge against the concerned workman was proved or not. The chargesheet which is on the record is dated 23-4-79 signed by the Manager. It was alleged that on 22-4-79 at about 8.30 A.M. while Sri A.K. Chatterjee, Jr Mining Engineer was distributing jobs to the workers at No.2 Pit top and discussing various other jobs with the staff the concerned workman came in a violent mood and demanded the wages of 21-4-79 without duty and when Shri Chatterjee tried to convince him he physically pushed him and abused in filthy language in presence of several staff. The charge for gross misconduct was thus framed against him.

11. The concerned workman gave his reply on 24-4-79 in which he stated that on 21-4-79 when he went to report for duty he was not allowed to do so and he wanted to know the reason behind it. This caused annoyance to Shri Chatterjee which led to the framing of charge against him. He has further stated that no offence as alleged against him has been committed and so the order of suspension as also the charge may be withdrawn against him. This explanation was found to be unsatisfactory and an enquiry was held against him.

12. On behalf of the management as many as 6 witnesses were examined in support of the charge. It may, however, be stated that none of these witnesses including Shri Chatterjee have supported the allegation of abuse against the concerned Under Manager. Shri Chatterjee was the first witness to be examined on behalf of the management and he has stated that on 22-4-79 while he was on duty and was distributing jobs amongst the workers the concerned workman came to him and demanded the wages of 21-4-79 saying "HAMARA KAI KA HAZRI UP KO DENE HOGA". The witness replied that as he was not on duty on that day there was no question of giving him any wages. Thereafter the concerned workman pushed him physically striking him on his right hand. After this the witness went to the Dy. Manager's Office and then reported the matter to the Manager over telephone. In his evidence he has also named the witnesses present at the time of occurrence. Only three questions were put to him in cross-examination by the concerned workman but that do not lead to anything.

13. The next witness is Shri Susil Kumar Mitra, Overman who claims to be present at the time of occurrence and he has also stated that while some talk was going on between the concerned workman and Sri A.K. Chatterjee, Ramkhelwan Rajak the concerned workman pushed Shri Chatterjee on his right arm. His cross-examination was declined by the concerned workman. Sri Sahadev Routh a Mining Sirdar has also stated about the occurrence and has stated that Ramkhelwan pushed Shri Chatterjee on his arm. He was also cross-examined by the workman. Shri Ramnajiban Roy is a Khalasi of Mine No. 2 and he has stated some conversation in hot words going on between the concerned workman and Shri Chatterjee. He has however stated that when he returned after some time from the store he heard that Shri Chatterjee was pushed by Ramkhelwan Rajak which he did not see. He is thus a hearsay witness but he has atleast supported that some sort of occurrence took place on the day. The next witness is Sri M.L. Chatterjee, Head Overman who has also supported the

allegation of pushing Shri Chatterjee by the concerned workman on his right hand. The last witness is Sri N.S. Mishra, Overman. He has also stated the same fact.

14. All these witnesses have thus given consistent evidence on the point of pushing Shri Chatterjee by his arm by the concerned workman and this definitely amounts to assault.

15. On behalf of the concerned workman 5 witnesses have been examined, most of whom underground loaders working with the concerned workman and naturally they are interested in him. They have denied the occurrence of assault but all of them have stated that some occurrence took place on that date viz. the hot conversation between the Under Manager and the concerned workman on the question of marking Hazri of the concerned workman on 21-4-79. The concerned workman in his evidence before the Enquiry Officer has not stated anything about the alleged occurrence on 22-4-79 and simply stated that the incident of 22-4-79 has already been given in this reply to the chargesheet and he does not desire to add anything. He has not stated a word that he did not assault or pushed Shri Chatterjee by his hand. There should have been specific denial by him.

16. There is no evidence worthy-name to show that Sri Chatterjee was in any way biased against the concerned workman or he bore any grudge against him. There is absolutely no reason as to why Shri Chatterjee would falsely implicate the concerned workman in such a case he being a superior officer. The only point taken by the concerned workman that he was Branch President of the union during that period and this has annoyed the management. But it will appear that on the date of occurrence he was not President as alleged by him. He became Branch President on 10-5-79 which fact was intimated to the management by the Central Office as mentioned in the rejoinder filed by the management. The occurrence took place on 22-4-79. Thus on the date of occurrence there was no question of any prejudice on behalf of the management. The management during enquiry stage has examined respectable witnesses to speak about the occurrence and there is nothing to show that any of these witnesses were in any way prejudiced or bore any grudge against the concerned workman. There is absolutely no reason as to why all of them would come to support a false case.

17. Considering the evidence as adduced during enquiry stage, I hold that the charge of gross misconduct was well proved against the concerned workman. It is a case of assault by a subordinate to his superior and amounts to gross indiscipline. After all, without discipline in any industry the work cannot be carried on and such act of indiscipline must be discouraged. In such circumstances the punishment of dismissal cannot be said to be a severe one.

18. Considering these, I hold that the action of the management in dismissing the concerned workman is fully justified. There is no denial that one month's wages was not paid to him. In such circumstances the concerned workman is not entitled to any relief.

19. The award is given accordingly.

J.N. SINGH, Presiding Officer

[No. L-19012(59)/82-D.IV(B)]

S.O. 4346.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad in the industrial dispute between the employers in relation to the management of Barmandia Colliery of M/s. Eastern Coalfields Limited, P.O. Kanavpur, District Burdwan and their workmen, which was received by the Central Government on the 26-11-1983.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 3, DHANBAD

Reference No. 28/82

PRESENT :

Shri J.N. Singh, Presiding Officer.

PARTIES :

Employers in relation to the management of Barmandia Colliery of M/s. Eastern Coalfields Ltd., P.O. Kanyapur, Dist. Burdwan.

AND

Their workman.

APPEARANCES :

For the Employers—Shri B.N. Lala, Advocate.

For the Workman—Shri J.D. Lal, Advocate.

INDUSTRY : Coal. STATE : West Bengal.

Dated, the 27th October, 1983

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 1947 has referred the dispute to this Tribunal for adjudication under Order No. L-19012(90)81-D.IV(B) dated the 30th March, 1982.

Schedule

“Whether the management of Barmandia Colliery of M/s. Eastern Coalfields Ltd., P.O. Kanyapur, Dist. Burdwan was justified in superannuating Shri Dasarath Mandal w.e.f. 1-7-1981? If not, to what relief is the workman entitled?”

2. The case of the workman Sri Dasarath Mandal is that prior to nationalisation he was under the employment of Ex-Bengal Coal Co. Ltd. at Parbelia Colliery and thereafter he was transferred to Barmandia Colliery where he was working. It is stated that in the year 1962 the erstwhile management of Barmandia Colliery issued identity card to him in which his year of birth was recorded as 1928. After nationalisation, however, the present management reconstructed their Form B register and wrongly recorded his year of birth as 53 years in 1974. The signature of the concerned workman in the said register was taken while keeping the space blank where year of birth is to be written and the year of birth was filled in later on. It is stated that the year of birth of the concerned workman is 1928 and so he should not have been retired with effect from 1-7-81 after attaining the age of 60 years and hence it may be ordered that the management was not justified in superannuating him with effect from the said date.

3. The defence, however, is that the concerned workman was retired on 1-7-1981 after he had attained the age of superannuation which is 60 years and that it was done on the basis of record available with the management. It is stated that the age of concerned workman was recorded as 53 years in Form B register and his year of birth is 1921 as mentioned in the service card and other records maintained by the present and previous owners of the colliery. It is submitted that previously the age of retirement was 58 years but as per circular dated 24-4-74 it was enhanced to 60 years. There is another circular directing that when the date and month and year of birth of any employee is recorded he is to retire in accordance with the same on attaining the age of 60 years but when the year of birth is only recorded and the month and date of birth is not specifically recorded then the retirement is to be made on 1st of July in the year he attains the age of 60 years.

4. It is submitted that in the instant case the year of birth of concerned workman was recorded as 1921 with no month or date and hence he was rightly retired with effect from 1-7-81. The concerned workman, however, had made representation against his retirement on the ground of age and hence he was examined by the Age

Determination Committee who also fixed his age as 60 years and therefore in the circumstances the order of superannuation is justified and the concerned workman is not entitled to any relief.

5. The point for consideration is as to whether the management was justified in superannuating Shri Dasarath Mandal the concerned workman with effect from 1-7-81. If not, to what relief is he entitled.

6. It is not denied that prior to nationalisation Parbelia and Barmonda Collieries belonged to Bengal Coal Co. and the concerned workman had been transferred from Parbelia Colliery to Barmonda Colliery. Ext. M-1 is the service card of the time of the Ex-owner concerning the concerned workman which was obtained by the present management at the time of take over. In this service card the year of birth is recorded as 1921. It bears the signature of this document cannot be doubted. The next document in this regard is Ex. M-3 which is an increment list pre- that this service card of Barmonda Colliery is concerning him. The signature of the concerned workman was shown to him but he neither denied nor admitted his signature on the same. This is an old document and the authenticity of this document cannot be doubted. The next document in this regard is Ex. M-3 which is an increment list prepared by the ex-owner and is an old document. MW-1 who is the Colliery Manager has stated that this increment list was prepared by I.B. M. machine and it is of the year 1970. This document has given the particulars of the concerned workman and Sl. No. 59242 would show that the year of birth has been shown as 1921. Another document is Ext. M-2 which is Form B register prepared in 1974. The Manager MW-1 has stated that this Form B register was prepared in 1974. Sl. No. 442 of this register would show that the year of birth of the concerned workman is recorded as 1921. It also bears the signature of the concerned workman. From a very look of the register it will appear that all the entries have been made at the same time in one pen and the allegation of the workman in his written statement that the age column was filled up subsequently does not appear to be correct. Further the concerned workman in his evidence also has nowhere stated that he signed on this register while the column for recording age was blank or that it was filled up subsequently.

7. It appears that after the notice of retirement Ext. M-7 dated 30-5-81 was served on the workman he filed a representation Ext. W-4. On the basis of this representation the concerned workman was referred to Medical Board for determination of his age. Ext. M-4 is the report of the said Board fixing the age of the concerned workman as 60 years on the date of his examination. MW-2 is Dr. S. K. Biswas who was one of the member of the Medical Board and he has stated that he along with another Medical Officer Sri M. N. Mukherjee the Area Medical Officer examined the concerned workman and found him age 60 years. There were other members also in the Board all of whom have put their signatures on it. Thus the Medical Board also fixed the age of the concerned workman at 60 years. The authenticity of this document and report cannot be held to be doubtful.

8. As against this the concerned workman has filed Ext. W-1 which is Form A supplied by the ex-owner to the Coal Mines Provident Fund Organisation. It is in evidence of the management that all the forms supplied by the Coal Mines Provident Fund Organisation have got the year of printing printed on the Form itself and as a specimen the management has filed Ext. M-11 from which it will appear that the year of printing is printed on this form on the back at the bottom of the left hand side. The management has also filed a return Ext. M-10 of contribution sent to the Commissioner and Sl. No. 201 bears the name of the concerned workman. In this also the year of printing is printed but Ext. W-1 does not bear the printing of its year. Moreover this document appears to be suspicious on other grounds also. Column 10 is for date of birth and in it day, month and year is noted and the same was to be filled up in it. After the word 'year' 21 has been written in ink and thereafter the word 'year' has again been written. It appears that the year 1921 was mentioned as the year of his birth but subsequently the word 'year' in ink has been

written on it. Further the concerned workman in his evidence has stated that his wife is younger to him. He has mentioned the name of his wife as one of his nominee. In this document Ext. W-1 the age of his wife has been written as 24 years. It is surprising that the age of the concerned workman is recorded as 21 years while the age of his wife is recorded as 24 years though his wife is younger to him. This clearly indicate that some interpolation has been made in this document on which no reliance can be placed.

9. The next document filed on behalf of the workman is an identity card marked Ext. W-2. The concerned workman has stated in his evidence that this service card was supplied to him by the Bengal Coal Co. The date of issue of this card as mentioned is 3-11-1962. In the column of year of birth it will appear that 28 is mentioned but on a close scrutiny it will appear that some interpolation has been made in it. Further the writing of this card appears to be quite fresh and it cannot be of the year 1962 as if it would have been of the year 1962 then the ink must have faded by lapse of time. This document was considered by the Medical Board also and MW-2 has stated that it was found to be a forged document. The last document filed on behalf of the workman is Ext. W-3 which is filled up by the colliery when an employee is sent to Kalla Central Hospital for the treatment. In this document the age recorded is 52. It will however appear that in this card the number of Form B register is also mentioned and it is the same number as appears in Ext. M-2 Form B register and in this Form B register the year of birth is 21 and so on the date of issue of this form the age could not have been 52 years. The Manager MW-1 has stated that when it is not possible to treat a workman in colliery dispensary he is referred to Kalla Central Hospital which is managed by the Coal Mines Welfare Organisation and the patient is referred through a slip prepared by Kalla Hospital. It is stated by him that the number in this Form as filled up by the office on the basis of Form B register but it appears that by some manipulation wrong age was recorded in it. It might just be possible that the concerned workman somehow or other got his age wrongly recorded in this Form by printing the colliery staff in his collusion. Moreover it will appear that this document was not filed during conciliation stage nor any mention of it was made during that period. This will appear from the letter Ext. M-5 sent by the union to the A.L.C. as also the failure report submitted by the A.L.C. Ext. M-6.

10. The documents thus filed on behalf of the workman are not at all believeable and no reliance can be placed on the same in the face of more authentic and reliable documents filed on behalf of the management.

11. Ext. M-8 is the circular of the management dated 24-4-74 directing that the age of retirement had been enhanced from 58 years to 60 years. Ext. M-9 is another document dated 6-10-76 which provided that in case of an officer whose year of birth is known but not the exact date the first of July should be treated as the date of birth for the purpose of determining the date in which the officer concerned should be held to have attained the age of superannuation. On the basis of this document the concerned workman was retired with effect from 1-7-1981 as on that date he had attained the age of 60 years which was clearly proved from the authentic documents in possession of the management.

12. Considering the entire evidence on the record and facts and circumstances of the case, I hold that the management was justified in superannuating the concerned workman with effect from 1-7-81. In the circumstances the concerned workman is not entitled to any relief.

13. The award is given accordingly.

I. N. SINGH, Presiding Officer
[No. L-19012(90)/81-D.IV (B) Vol. II]

New Delhi, the 19th November, 1983

S.O. 4347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited and their workmen, which was received by the Central Government on the 3rd November, 1983.

BEFORE THE INDUSTRIAL TRIBUNAL, (CENTRAL)
ANDHRA PRADESH, HYDERABAD

PRESENT :

Sri M. Srinivasa Rao, M.A. LL.B. Industrial Tribunal,
Industrial Dispute No. 32 of 1982

BETWEEN

The Workmen of Singareni Collieries Company Limited,
Kothagudem, Khammam District (A.P.)

AND

The Management of Singareni Collieries Company Limited,
Kothagudem, Khammam District. (A.P.)

APPEARANCES :

Sri G. Bikshapathy, Advocate—for the Workmen.

Sri K. Srinivasa Murthy, Advocate—for the Management.

AWARD

The Government of India referred under Section 10(1)(d) of the Industrial Disputes Act 1947 the following dispute between the Management of Singareni Collieries Company Limited, Kothagudem and their workmen, through its letter No. L-21012(5)/82-D.IV(B) dated 24-7-1982 to this Tribunal for adjudication :

“Whether the management of Singareni Collieries Company Limited is justified in not giving weight to the adrema allowance drawn by Shri P. V. Janardhana Rao on his promotion while fixing his salary if not, to what relief is the workman entitled ?”

2. The workman considered in this dispute is one P. V. Janardhan Rao. A claim statement is filed on his behalf by the Employees' Union and counter is filed on behalf of the Management disputing his claim. As can be seen from these pleadings the workman concerned was appointed as Clerk in 1949 in the Singareni Collieries Company Limited Kothagudem and from 1955 till the date of his promotion on 25-12-1974 he worked as Adroma Operator. On 25-12-1974 he was promoted as Wages Inspector and he is at present working as Head Clerk from 1-1-1979. As Clerk and Adroma Operator he was in the scale of Rs. 305-505 and on the date of his promotion on 25-12-1974, his basic salary was Rs. 385.00 besides V. D. allowance and F.D. allowance which are Rs. 137.28 and Rs. 39.00 respectively. He was also getting Adroma Allowance of Rs. 15.00. Thus he was getting in all Rs. 576.28 per month. On promotion as Wages Inspector his basic pay was fixed at Rs. 395.00 in the scale of Rs. 305-15-425-20-505. There was no change in V.D.A. and F.D.A. Thus on promotion, he was getting Rs. 395.00 plus Rs. 137.28 plus Rs. 39.00 totalling to Rs. 571.28. The grievance of the workman is that prior to his promotion, he was getting Rs. 576.28 including the Adroma allowance of Rs. 15.00 but on promotion, he had to receive Rs. 571.28 only and thus in fixing his wages in the promotion grade, he was made to receive Rs. 5.00 less than what he was receiving as emoluments prior to his promotion and he is thus suffering reduction of Rs. 5.00 every month. It is contended in the claims statement that the Special Allowance like Comptist Allowance, Adrema Allowance, Supervisory Allowance, Charge allowance etc. are treated as part and parcel of the monthly total emoluments and that was also general practice followed in Singareni Collieries and the management fixed the scale of several employees in promotion posts taking into consideration the Special allowance also and his scale also should be fixed in the revised pay scale on promotion by including Adroma allowance of Rs. 15.00 per month. It is stated

that his representation to the Management to revise his scale in the promotional post and to refix in the scale fixed by National Coal Wage Board was not considered and there was no response and also as conciliation proceedings failed, this matter had to be brought before this Tribunal. In the claim statement the instances of three employees Sarvasri V J Prasad, M Subba Rao and Chandrasekhar are given saying that the Management fixed the wages of those employees taking into consideration the special allowance and it is alleged that in the case of this workman the Management denied the benefit which they gave to others and discriminated him without any basis and the action, of the Management in denying that benefit is unjustified and it amounts to victimisation and unfair labour practice. It is mentioned that after the present reference also the Management fixed the wages of another employee by name Panniah giving weightage to the Supervisory allowance drawn by him during 1974. It is prayed that the Management should be directed to refix the basic pay of this workman in the revised pay scales given to him on promotion on 25-12-1974 by including the Adrema allowance of Rs 1500 and grant the consequential financial benefit.

3 The counter of the Management is that the Adrema allowance of Rs 1500 per month paid to this workman was purely personal allowance for operating adrema machine and such personal allowance like Typewriting allowance Steno allowance, Comptist allowance and adrema allowance are paid so long as the workman are employed to perform such jobs and are withdrawn then they cease to perform those jobs even if they continue in the same grade and therefore there is no justification to continue such allowances on promotion to a different post in higher category. It is contended that the circumstances under which the Supervisory allowance of Rs 2500 was taken into consideration for fixation of pay in the promoted scale in respect of P. J Prasad and Panniah are entirely different and that had to be done keeping in view the higher responsibility shouldered by those incumbents prior to their promotion and in the case of Chandrasekhar he was allowed the benefit after increment in the regular promotion as he officiated in the higher grade for some time. As far as M Subba Rao is concerned it is stated in the counter that he was working as Comptist and getting an allowance of Rs 1500 and on promotion his pay was fixed at calculating that allowance but that was a solitary instance and was done unwittingly though that case stands on the same footing as that of the present workman and therefore that cannot be quoted as a precedent and withdrawal of the benefit in that case also was under contemplation. It is thus contended in the counter that the claim of the Petitioner to refix his pay including special allowance he was drawing prior to his promotion cannot be admitted and the claim has to be dismissed.

4 The Workman concerned is examined as WW-1 before this Tribunal and K George, President of the Collieries Employees Union which espoused the cause of this workman is examined as WW-2 and their evidence is on the lines mentioned by them in the claims statement and in support of their claim. On behalf of the Management one Sadanand Rao who is at present working as Junior Accounts Officer in M D's office at Hyderabad is examined as MW-1. MW-1 was originally a Stenographer getting a Steno-allocation of Rs 2500 and he was then promoted as Pit Office Assistant. He is examined to say that on promotion his Steno-allocation was not taken into consideration though thereby as Pit Office Assistant his total emoluments were less than the total emoluments he was drawing earlier. MW-1 referred to the names of some other employees which do not find place in the counter saying that those are some of the instances where special allowance were not taken into consideration in fixing their scales in the higher post. Thus in his evidence he says that for Ranga Das Adrema allowance was not considered in his promoted scale and V V. Sitaramaiah and P Saibaba who worked as Stenographers were also not given special allowance when they were promoted recently. He states that Supervisory allowance is paid to employees entrusted with higher duties when they were due for promotion and could not get it for one reason on the other and such allowance was paid in the case of four employees only long time back and that Supervisory allowance which is also called as Charge Allowance was paid to one Sunder Rao on his application dated 10-12-1981

In cross examination he states that from 1963 to 1974 he worked in the Confidential Department as Stenographer and the cases of the staff covered under Wage Board are looked after by the Personnel Department and he has not dealt with the case of the persons mentioned by him in the chief examination. The suggestion to him is that the Pit Office Assistant is a fresh selection but he denies it and says it is also a promotion post equal to the Assistant Head Clerk though there cannot be a promotion Pit Office Assistant unless the person is a graduate and is subjected to a test and interview irrespective of the seniority while the promotion to the post of Assistant Head Clerk is by seniority only. Though he maintained that on promotion as Pit Office Assistant, he lost his earlier Steno allowance, when questioned he was not able to say what were his total emoluments as Stenographer at the time of his promotion, and what was the total emoluments he got on promotion as Pit Office Assistant.

5 The point for consideration is whether Adrema allowance of Rs 1500 paid to the workman concerned in this dispute has to be taken into consideration while fixing his pay in the promotion post? It is not denied that if it was not taken into consideration the total emoluments he would be drawing in the promoted post would be less by Rs 500 per month. He was drawing the Adrema allowance from 1955 till 25-12-1974, the date of his promotion i.e. for about 19 years. Whether the Management is justified in not fixing his pay in the promoted post taking into consideration that Adrema Allowance is the aspect that has to be determined.

6 Before considering this aspect a reference to the documents put forth by the parties may also be made. Ex W-1 is the representation of this workman requesting for taking the Adrema allowance also into consideration in fixing his salary in promotion post. Ex W-2 dated 10-4-1979 is another representation by him to the Chief Finance Accounts, quoting some instances wherein the salaries of some other employees were fixed in promoted posts taking into consideration the Special allowance also. Ex W-3 is the recommendation of the Finance and Accounts Branch. In this Ex W-3 it is mentioned that similar cases of M Subba Rao and Prasad were considered favourably by the General Manager, Godavari Khani and in the case of this workman also the request for refixation of his pay has to be considered similarly. Ex W-4 is the letter to the General Manager by the Secretary of the Employees' Union espousing the cause of this workman. Ex W-5 is a communication of the Assistant Labour Commissioner to the Secretary of the Union enclosing copy of the letter of the General Manager regarding this claim. In this copy the Management maintained that the Adrema allowance cannot be taken into consideration for fixing the pay in higher grade. Ex W-6 contains the views of the Union regarding his claim and Ex W-7 the additional views of the Union put forth at the time of the conciliation proceedings. Ex W-8 is communication dated 11-3-1979 wherein proposal for adding supervisory allowance of Rs 2500 in the case of one Prasad was made by the Accounts Department and Ex W-9 contains the order of the General Manager, Godavari Khani ordering refixation of pay of Prasad. Ex W-10 is a copy of the application of one Subba Rao for including the Comptist allowance of Rs 1500 in the promoted post and Ex W-11 is the order accenting that request refixing the scale. Ex M-1 filed on behalf of the Management is the order of promotion of MW-1 and it is filed to show that the steno allowance was not considered in fixing the scale in the promoted post. Ex M-2 is the promotion order of one Ranga Dass put forth for the same purpose. Ex M-3 dated 20-7-1982 is an order promoting some of the employees as Pit Office Assistants wherein Seefaramaiah and Saibaba figure as two of those promoted and those two were said to be Stenographers prior to that promotion and Ex M-4 contains the scales given to these two and others in the promoted posts. Ex M-5 is the order providing for charge allowance to Prasad and others. Ex M-6 is copy of application of Sunder Rao for refixing his salary taking into consideration the Supervisory Allowances and Ex M-7 contains the recommendation of Chief Accounts Officer recommending refixation to Sunder Rao and it contains note of the Chief General Manager also approving that.

7 Thus while the oral and documentary evidence of the workman is to show that similar special allowances like Adrema allowance were taken into consideration while fixing the salaries in the promotion post, the attempt of the man-

ment is to show that there were instances where that allowance was not taken into consideration and in the cases where they were included in the scales in the promoted posts, they were done so as some special cases.

8. This claim was put forth by the workman in the beginning of 1979 when he came to know that are special allowances were taken into consideration while fixing pay in promotion posts for some employees. M.W. 1 no doubt says that he worked as Steno and Steno allowance was not considered when he was promoted but he could not say what were his total emoluments as Steno and after his promotion as Pit Office Assistant. Similarly Ex. M 2 may also show that in the case of one Ranga Dass also the special allowance was not taken into consideration. But Ex. M 2 shows that Ranga Dass at the time of his promotion was working in C.E's office. He was promoted in July 1973 as per Ex. M 2 and though the order shows that his salary in promotion post was to start with Rs. 365.00 from the date he reports to duty, that order would also show that he was allowed the basic pay of Rs. 358.00 from 15-8-1973 itself. Thus while his basic pay was Rs 365.00 on promotion in July 1973, from 15-8-73 itself his basic pay was fixed at Rs. 380.00. It is not known whether it was not so fixed taking into consideration the special allowance if he was drawing by the date of promotion. Ex. M 3 promotions including two Stenos Seetharamaiah and Saibaba were made subsequent to the raising of this dispute by this workman. They cannot therefore be taken as past instances of not considering the Special allowance for determining the issue raised by this workman in 1979.

9. The fact remains that this workman was continuously working as Adrema Operator for nearly 20 years drawing Adrema allowance of Rs. 15.00 as part and parcel of his emoluments for all these years. It is stated that this allowance was treated as part of the pay in all respects for deductions such as C.M.R.R. etc. and that is not denied by the other side. Normally when the workman is given promotion, he expects to receive higher emoluments then he would be receiving prior to the promotion. But in this case he was made to receive Rs. 5.00 less than what he was receiving prior to promotion. His promotion thus worked to his disadvantage as he was suffering loss of Rs. 5.00 per month. It is not the case of the Management that he would not have continued as Adrema Operator, if he was not promoted on 25-12-1974. When he would have continued as Adrema Operator receiving certain emoluments and if he was promoted at that stage that promotion cannot be to his detriment in the matter of receiving total emoluments. The Management cannot say that at its will and pleasure it could have withdrawn the Special Allowance even if this workman continued in the pre-promoted grade. Simply because the steno allowance was not considered in the case of two or three Stenos when they were promoted and simply because those stenos were not in a position to bargain with or demand from the Management, it cannot be said that the Management has the right or justification to reduce the total emoluments of a workman on promotion. Posts requiring special skill and greater responsibility should normally carry higher emoluments. When there is no separate grade or category of Adrema Operators and when there is no recruitment directly as Adrema Operators and persons from clerical staff only have to be selected and posted to these posts which require skill and greater responsibility carrying higher emoluments in the shape of special allowance, the management cannot adopt the policy of hire and fire and cannot say that as per its whims and fancies or at its pleasure it can deprive that allowance to the incumbent arbitrarily by posting him as ordinary clerk after so many years of service as adrema operator. It cannot be permitted to hold the whip hand like that and appoint one person today as adrema operator and remove him next day for another person without any cause. The post of adrema operator carrying special allowance is there and it is a permanent one. This workman was appointed in that post and continued for about 20 years. It cannot therefore be said that he was entrusted with that special allowance duty temporarily or in any leave vacancy. That special allowance became part of his regular emoluments. It is like a secondary wage for him. It is but natural and reasonable that he expects that amount to be taken into consideration in fixing his pay in promoted post. The reasonable aspirations and ambition of a workman working under the Management cannot be asked by the Management because it is not at the receiving end. Social justice requires sympathetic consideration of the legitimate and justifiable demands of the workman.

10. Further, this request of the workman in this case is

not an arbitrary one. He has given several instances where special allowances were considered in the promotion grade. The submission of the Management that the Supervisory allowance was considered for Prasad, Punjeh and Chandrasekhar under special circumstances only is not a reasonable or acceptable one. It is stated that prior to their promotion they shouldered higher responsibility. They would be drawing Supervisory allowance in a particular post were they would have to discharge these special duties. but on promotion that special duty or responsibility would not be there when they were promoted as Assistant Head Clerks. But still their special allowance i.e. supervisory allowance, was taken into consideration while fixing their pay in the promoted post. Ex. W 8 is dated 11-3-1979 and it was recommended to the Management by the Deputy Chief Accounts Officer for refixing the pay of Prasad. This letter shows that Prasad's representation was that the Supervisory allowance of Rs. 25.00 granted to him prior to his promotion as Assistant Head Clerk was not taken into consideration while fixing his pay on promotion and that Allowance has to be added and his pay should be fixed at Rs. 410.00 per month in the promoted post. This letter further mentions that if that relaxation is accorded by the Management then his basic pay to be fixed in the new scales recommended by the National Coal Wage Board. Ex. W-9 is the order of the General Manager revising the pay of that Prasad. Asst. Head Clerk including Supervisory Allowance and refixing it in the revised pay scale. Ex. W 10 is the case of a Comptist claiming that Comptist allowance of Rs. 15.00 should be treated as part of his pay while fixing his pay in the promoted post as Assistant Head Clerk. Ex. W 11 is the recommendation for accepting his request and refixing his pay. The evidence is that it was so refixed. Ex. M 6 is the representation of one Sunder Rao who was drawing Supervisory Allowance of Rs. 25.00 prior to his promotion as Assistant Head Clerk. He requested that his pay should be fixed taking into consideration that allowance as was done in the case of Prasad. Ex. M7 contains the recommendation for accepting his request though the management tried to categorise it as special case and Ex. M17 contains the orders also directing relaxation of his pay accordingly. May be this Sunder Rao and three other similarly placed persons were discharging Supervisory duties and so they were given that allowance prior to their promotion. But when they were promoted as Assistant Head Clerk no such special duty or Supervisory Duty would be there. Still those special allowances were taken into consideration when they represented to the Management. The contention that they could not be promoted for some reason or other earlier and therefore that allowance was taken into consideration when they were promoted does not stand to reason. Because they were drawing that special allowance for a number of years prior to their promotion and they represented that that should be taken into consideration while fixing their pay in promoted posts, they were so fixed. In effect this is the result in the case of this Assistant Head Clerk, whatever cover the management might try to give to justify the grant of those allowances in the promoted post. As admitted by M.W. 1. Ex. M5, whereunder Supervisory Allowance was granted to those four employees, does not mention that they were due to promotion but were not promoted and therefore the Supervisory Allowance was being granted to them. Therefore the attempt of the Management that in lieu of promotion they were granted that allowance and so that was taken into consideration in fixing their pay in promoted posts is an untenable and perhaps an invented one.

11. On a consideration of the entire evidence and the probabilities, I am of the view that the special allowance like Comptist allowance and Supervisory Allowance are being taken into consideration in this Company while fixing the pay in the promoted posts and if there are instances of two or three Stenos whose Special allowance was not considered in the promoted scale, they cannot be put forth as sustainable precedent or policy of the management. That part, in this case Adrema Allowance of his workman became part and parcel of his emoluments for nearly 20 years and he became entitled to it as part of his wage as discussed above and while promoting him he cannot be made to suffer loss of Rs. 500. I therefore hold that the Management is not justified in not taking into consideration the Adrema Allowance drawn by this workman Sri P. V. Janardhanarao on his promotion. I find that the workman is entitled to get his pay fixed as claimed in the claims statement. The Management shall refix the basic pay of this workman Sri P.V. Janardhanarao on his promotion on 25-12-1974 by including Adrema Allowance of Rs. 15.00 and also refix his emoluments in the Coal Wage Board scales accordingly.

Award is passed in these terms.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 9th day of September, 1983.

M. SRINIVASA RAO,
INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses examined for the
Workmen :

W.W. 1 P. V. Janardhan Rao, M.W. 1 I. Sadananda Rao
W.W. 2 K. George

Witnesses examined for the
Management :

Documents filed by the Workmen :

Ex. W1 Representation Dt. Nill made by P. V. Janardhana Rao to the Additional General Manager, Bellampalli regarding refixation of his pay.

Ex. W2 Representation dt. 10-4-79 made by P. V. Janardhana Rao to the Chief Finance and Accounts the S.S.Co. Ltd., Kothagudem regarding refixation of his pay.

Ex. W3 Copy of letter dt. 4-5-79 addressed by Dy. Chief F&A. (IA) to the chief F. A|Kothagudem regarding the refixation of P. V. Janardhana Rao's pay.

Ex. W4 Letter dt. 5-7-80 addressed by Secretary, Singareni Collieries Employees Union to the General Manager, Kothagudem Collieries, S.C. Co. Ltd., Kothagudem regarding anomaly in fixation of Salary on promotion to P. V. Janardhana Rao.

Ex. W5 Letter No. Dy. 4024/81-BZA, dt. 24-11-81 addressed by the Assistant Labour Commissioner (C) Vijayawada to the Secretary, Singareni Collieries Employees Union, Kothagudem regarding the anomaly in fixation of salary on promotion to Sri P. V. Janardhana Rao.

Ex. W6 Copy of the Views of the Union on the dispute regarding the anomaly in fixation of salary on promotion to P. V. Janardhana Rao.

Ex. W7 Copy of the additional views of the union in the dispute regarding anomaly in fixation of salary on promotion to P. V. Janardhana Rao on the basis of the discussions at the conciliation proceedings held on 18th March, 1982.

Ex. W8 Copy of the letter dt. 11-3-79 regarding the fixation of Basic Pay of Shri V. J. Prasad including the Supervisory allowance.

Ex. W9 Copy of the Office order No Dye A/RG/EST/ 776, dt. 28-3-79 regarding the refixation of pay of V. J. Prasad Head Clerk.

Ex. W10 True copy of the representation made by M. Subba Rao Jr. Accountant to the Management regarding the comptist allowance.

Ex. W11 True copy of the letter dt. 21-9-78 of the Management accepting the representation of M. Subba Rao and refixing his pay including Comptist allowance of Rs. 15.

Documents filed by the Management :

Ex. M1 Office Order No. P4/545/2963, dt. 13-9-74 issued by the General Manager, Singareni Collieries Company Limited, Kothagudem to I. Sadananda Rao

regarding the promotion from the post of Stenographer to the post of Pit Office Assistant.

Ex. M2 True copy of the Office Order No P4/545/ 1731, dt. 30-7-73 issued by the General Manager, Singareni Collieries Company Limited, Kothagudem to S. Rangadas, regarding the promotion from the post of Adrema Operator to the post of Pit Office Assistant.

Ex. M3 Office Order No. P4/545/1609 dt. 20-7-82 issued by Chief Executive Director, Singareni Collieries Company Limited, Kothagudem appointing some of the employee as pit office assistants.

Ex. M4 Office Order No. P4/545/1871 dt. 16-8-82 issued by the Chief Executive Director, Singareni Collieries Company Limited, Kothagudem to some of the employees regarding the fixation of pay as Pit Office Assistant.

Ex. M5 True Copy of the Office Order dt. 16-2-1973 issued by the Financial Controller, Singareni Collieries Company Limited to Sarvasri V. J. Prasad, T. Bhimachandra Rao, B. J. Sunder Rao and P. V. Punnaiah regarding payment of their supervisory allowance by the Management.

Ex. M-6 Photostat copy of the application dt. 10-12-81 addressed by B. J. Sunder Rao, Head Clerk to the Chief Finance and Accounts, the Singareni Collieries Company Limited Kothagudem regarding refixation of pay.

Ex. M7 Photostat copy of the note dt. 21-12-81 of M. Gurumurty Sastry Chief Finance and Accounts Officer, regarding refixation of pay.

M. SRINIVASA RAO, Presiding Officer

[No. L-21012/5/82-D.IV(B)]

S. S. MEHTA, Desk Officer.

ऊर्जा मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 18 नवम्बर, 1983

दा. आ. 4348.—पेट्रोलियम और स्थिति पाइप लाइन (भूमि-के उपयोग के अधिकार का अधिसम्हार) अधिनियम, 1962 (1962 का 50वां) की धारा, की उपधारा (3) द्वारा प्रदत्त शर्तयों का प्रयोग करते हुए, केन्द्रीय नरकार एवं द्वारा यह घोषणा करती है कि 1 दिसम्बर, 1983 से यह अधिनियम त्रिपुरा राज्य पर भी लागू होगा ।

[सं. ओ-11011/3/83-उत्पादन]

राजेन्द्र सिंह, निदेशक

MINISTRY OF ENERGY

(Department of Petroleum)

New Delhi, the 18th November, 1983

S.O. 4348.—In exercise of the powers conferred by subsection (3) of section 1 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares that the said Act shall apply to the State of Tripura with effect from the 1st December, 1983.

[No. O-11011/3/83-Prod.]

RAJENDRA SINGH, Director